

6

S I X
C H A R G E S C X

DELIVERED TO THE

G R A N D J U R I E S

John

OF THE

Day

C O U N T Y O F D U B L I N,

B Y R O B E R T D A Y, E S Q, M. P.

*One of his Majesty's Counsel learned in the Law, and
Chairman of said County.*

1st Charge Jan. 15th, 1793.	4th Charge Oct. 4th, 1796.
2d Charge Jan. 13th, 1795.	5th Charge Jan. 10th, 1797.
3d Charge Jan. 12th, 1796.	6th Charge April 25th, 1797.

TO WHICH ARE ADDED,

*The Addresses and Resolutions of the Sheriffs, Magistrates
and Grand Juries, at whose request these Charges were
published.*

Pro Rege et Patria.

DUBLIN:

PRINTED BY R. E. MERCIER AND CO.
BOOKSELLERS to the HON. SOCIETY OF KING'S-INNS, AND TO BE
SOLD AT THEIR SHOPS, IN THE NEW COURTS,
AND NO. 31, ANGLESEA STREET.

1797.

IRE
993.2
DAY

Cxtr
D273si

A
C H A R G E
DELIVERED TO THE
G R A N D J U R Y
OF THE
C O U N T Y O F D U B L I N,
AT THE QUARTER SESSIONS OF THE PEACE,
HELD AT KILMAINHAM,

On Tuesday the 15th of January, 1793.

BY ROBERT DAY, Esq, M. P.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW,
AND CHAIRMAN OF THE SAID COUNTY.

*Published at the Request of the High Sheriff, Grand
Jury and Magistrates of the County of Dublin.*

TO WHICH IS ADDED

*Their Addrefs to the Chairman at the clofe of the
Seflions.*



D U B L I N :

PRINTED BY HENRY WATTS,

1793.

RE-PRINTED BY RICHARD EDWARD MERCIER AND CO,
BOOKSELLERS to the HON. SOCIETY OF KING'S-INNS,
AND TO BE SOLD AT THEIR SHOPS, IN THE NEW
COURTS, AND NO. 31 ANGLESEA STREET.

1796.

1-ROBERT D. ...

The history of the County of Essex
 from the earliest times to the
 present day

TO ROBERT DAY, Esq.

Chairman of the County of Dublin,

*The Address of the SHERIFF, GRAND-
JURY and MAGISTRATES.*

SIR,

WE cannot suffer this busy and fatiguing Session of the Peace to close without acknowledging, in terms of the warmest approbation, our Sense of your Conduct since your appointment to the Chair of the County of Dublin. We know not whether to commend most, your indefatigable assiduity in the discharge of a difficult duty, your patience, temper and humanity in the administration of Justice, or your professional abilities in the interpretation of the Law; and we doubt not as your exertions have already contributed much to the good order of our County, so a steady perseverance in the like conduct will be crowned with the most salutary consequences.

B 2

Accept

Accept also our thanks for your many judicious and instructive Charges, but particularly for your late most seasonable and constitutional one, the publication of which we unanimously desire; and be assured of our sincere esteem and respect.

Signed by order of the Meeting,

JOSEPH ATKINSON, Sheriff.

THOMAS LIGHTON, Foreman.

*To the High Sheriff, Grand-Jury and
Magistrates of the County of Dublin.*

GENTLEMEN,

Your Address was as unexpected as it is flattering. I did not know that my humble endeavours in the discharge of my duty had entitled me to observation so distinguished and so honourable. Had I wanted incentive to the execution of a Charge whose importance I feel, and to which I am devoted, your over-rating partiality has furnished the most powerful—the praise of men, themselves the most praise-worthy and respectable.

ROBERT DAY.

CHARGE,

1890

The following is a list of the names of the persons who have been appointed to the various positions in the various departments of the Government of the State of New York, for the year 1900.

C H A R G E, &c.

Gentlemen of the Grand Jury,

YOU are brought together at this Periodical return of our General Sessions of the Peace, to discharge a Duty of great and vital importance to the County of Dublin, and the Community at large :
---to call forth into life and action the Criminal Law---to deliberate upon, and weigh in the scales of equal and dispassionate justice, such Charges as shall be submitted to you against divers of your Fellow-subjects---to put such of them in a course of Trial as shall be made out to your satisfaction, either upon the evidence of your own senses, or upon the *viva voce*, or written evidence of Accu-

C

fers---

fers---and thus to vindicate and promote the general police and good order of your County. I am sensible that the duration of each Session, and the frequent return of this duty in the County of Dublin, are attended with no inconsiderable inconvenience to Country Gentlemen; but you will reflect how small a price you pay in this occasional trouble, for the essential advantages derived upon Yourself and the Public, from a conscientious and diligent discharge of your duty. To impress you with a just sense of the importance of this Trust, it may not be amiss, particularly at this critical juncture, to trace briefly the Criminal Law of your Country from its Elementary principles.

When Civil Society was instituted, it was found necessary, that the Constituent Members should resign a certain portion of their Natural liberty, (or to use

use the cant expression of the day, a certain portion of the ' Rights of Man,') with a view to secure the remainder. The unrestrained enjoyments of every Individual in a State of Nature were found incompatible with human happiness, or the existence of the Social State for which Man was obviously formed; for the Weak, it is evident, must in that state be Victims to the Strong---the Simple and the Honest must be the unprotected Dupes of every designing or daring Knave. To obviate these evils it was that Civil Government was established; wherein Rules of conduct and the moral Obligations of Justice from Man to Man were prescribed, the impulses of Appetite were controuled by commensurate Penalties, strength and power ceased to be the arbiters of property, and universal and equal protection was substituted for the wild excesses and dominion of the passions. How far that *professed*

object of all Government has been attained in other States, it is not our business now to enquire ; it is enough for us to know, that every peaceful Subject who reposes under the shade of the British Constitution-- ‘ *that proudest Monument of human Wisdom and Integrity,*’ *

* The Observation of a great Statesman (Mr. Fox) most egregiously misapplied to the French Revolution ;—that tremendous Convulsion which has crumbled into dust the Throne, the Church, the State, all the sacred and venerable Institutions of a towering and powerful Monarchy—that *Revolution* (if a much-honoured term must be so prostituted) which has degraded, exiled, extinguished, the old Nobility and original Gentry, the Clergy and landed property of a great and ancient Nation, and delivered it over a prey to a few desperate and detestable Adventurers, governing by a furious and sanguinary Rabble ! Even the Founders of this “ proud Monument” have been successively swept off amidst the general havoc in one *Equality of ruin*—*Canum fera facta suorum* ; the prey of their own Hell-hounds, Victims to their own diabolical doctrines—and the only consolation left is the awful warning held out to mankind by this horrid history against the rage of Innovation.

enjoys

enjoys the most perfect security for his life, liberty, property and reputation. The means whereby that important end is attained, are the Civil Code and the Criminal Code; the latter of which is your peculiar and appropriated province; —a Code instituted for the punishment and controul of public Offences, and which, with the impartiality of Death, “ knows no distinction between the “ Prince’s palace, and the poor Man’s “ cottage.”

But while the British Constitution provides adequate punishment for Guilt, it has encompassed Innocence with impenetrable lines of defence and security. The life and liberty of an Irishman are sacred. The Law doth tender them so dearly, that no man can be convicted but on the oaths of at least Twenty-four of his Equals; Twelve at least of the Grand Jury (whose condition is likely
to

to raise them above undue influence) must concur to find the Bill of Indictment, and Twelve Petit Jurors, (secured by the privilege of Challenge against all prejudice to the Prisoner) must concur to convict upon that bill.—I ask you, Gentlemen, is there a man amongst you who is not conscious, and feels not that under the British Constitution, to be Innocent is to be Secure? To be Innocent is to be above the reach of malice, wealth and power? We know of but one Law for the proudest Peer of the Realm, and the poorest Peasant who crawls upon the earth; a mild and equal Code; which, like the Deity, is no Respector of Persons, but pervades, controuls and cherishes alike the whole System! the Poor Man's Friend——his shield and security against the strong arm of Power! The Popular Order of the State, in fact, is the most essentially interested in maintaining inviolate the Law, under whose
happy

happy influence and protection, industry, ingenuity and personal exertion, (the only patrimony of that class of mankind) are stimulated, fostered and invigorated.

The British Constitution is so familiarized to us by uninterrupted enjoyment, that no wonder if weak or thoughtless minds surveyed its beauties without much emotion or sensibility. The charming Scene always lying in our view, one is too apt at last to behold it with apathy and indifference. But, Gentlemen, who that has a heart to feel, or an understanding to reflect, but must be roused by the calamities of France, to an animated sense of the unrivalled excellencies of *our* Constitution, and of the sound and rational liberty, which is our indefeasible inheritance? Mark the effect of those distractions upon your fellow-subjects of Great Britain; that

that nation of Philosophers; that sober, dignified and manly people. They know the value of their Constitution, and they venerate it with the enthusiasm of Idolaters!—a happy combination of the highest degree of practical Liberty with the energy and vigour of the Monarchical form—a * well-poised system of Government, perfected and mellowed by the wisdom of Ages; admired and celebrated by the most enlightened Sages of ancient, as well as of modern times—1700 years ago by the Roman Historian in its cradle, and in the present century by the French Philosopher in its maturity. If Sedition assail the venerable Fabric, they embrace its columns, resolved to stand by it or perish in the ruins—they rally round the Throne of our good, our beloved King, and

* *Ponderibus librata suis.*

drown the storm with * acclamations of loyalty, from end to end of the Island. They laugh at the malignant folly of those Human Devils, who offer them wild Theory for substantial Enjoyment; and under pretence of amending their condition, would substitute for genuine Liberty the vilest and most savage of all dominations, the Tyranny of an unbri-dled Multitude. If our System, say they, has in the lapse of years contracted specks, there is a recuperative quality in the Constitution, which enables it to purge and slough off without innovation or violence its own impurities. If there be defects in our System, recollect we are but Men, and that perfection is not the lot of Human Nature——Judge,

* Alluding to the Addresses from all quarters of the United Kingdom to his Majesty, expressing the most rooted abhorrence of the new Philosophy of France, and an ardent and unshaken devotion to the British Constitution.

D. Gentlemen,

Gentlemen, of the tree by its fruit—— prosperity unexampled in the world ; a gigantic growth in commerce, manufactures, wealth, arts and learning ; and let me add, a corresponding and still more rapid growth in the wealth and prosperity of *this* Kingdom since the year 1782, when we were restored to the enjoyment and usufruct of that Constitution.

Gentlemen, the same restless and evil Spirit has been busy here too. In fact, the richest soils will often throw up the most noxious weeds. So in the best constructed Systems of Government there will be found men of misguided and vicious propensities, who discover too late, that honest industry is the straightest road to wealth, and a virtuous application of talents the surest course to honest fame. Bankrupt in fortune and character, they sicken amidst the universal
fal

fal prosperity of their Country; they
 survey with envy and disgust, that ge-
 neral happiness which they do not share;
 and they confederate without remorse
 against the most revered Establishments,
 hoping upon the ruins to lift themselves
 to sudden and ill-earned power. Such
 men, as long as they escape the public
 Executioner, have an interest in agitating
 the Country; they have nothing to lose
 —and in a scramble they may gain some-
 thing. Who can behold without afflic-
 tion, the desperate labours of Parricides
 to disturb the peace and interrupt the
 growth of this flourishing Kingdom?
 fictitious Grievances and chimerical
 Expectations of I know not what new-
 fangled *Equality*, are held forth to delude
 the Credulous and Uninformed Classes of
 the people; though it is certain that one
 of the peculiar advantages of these Coun-
 tries, is, the diversified *Inequality* and
 gradual Subordination which obtains

amongst us, (as various as the various talents and capacities of Man,) and the support which our several Ranks and Classes administer to each other. The most pernicious Doctrines are inculcated, and with a busy malignity circulated in news-papers, cheap pamphlets and hand-bills. Bodies of the people have actually been invited, with the most unparalleled audacity,* “to arms.” Indefatigable pains are taken to disaffect the public against the Legislature; to

* Among many criminal effusions of the Press at this time, the most conspicuous perhaps is a Libel published 16th Dec. 1792, of a most inflammatory and seditious tendency, intitled “An Address from the Society of *United Irishmen* to the Volunteers of Ireland—William Drennan Chairman, Arch. Ham. Rowan Secretary,” summoning the Volunteers in express terms *to arms*. The obvious design of this Paper is to excite the People to over-awe the Legislature with an armed Force, and finally to subvert the Constitution and Government of the Country.

bring

bring the Executive Authority of the Land into contempt; to hold forth as a model for our imitation a bankrupt and distracted Nation, stained with the blood of her best Citizens, and exulting, perhaps at this moment, in the Murder of a mild and innocent * Sovereign; a Nation lately the seat of arts, elegance, refinement and science—now undone in the pursuit of a fantastical, impracticable Liberty; whose Religion is Atheism, and whose Politics are universal Conquest and the dissolution of all legitimate Government.

Gentlemen, the alarm became so ferocious and general as to call loudly for

* The savage and deliberate Murder here foreseen, which shocked and revolted Mankind, was perpetrated the 21st Inst. upon Charges unsubstantiated by a shadow of Evidence, and even in violation of the express Articles of their own short-lived Constitution.

the

the interposition of Government; and it must be owned that the Government has stepped forth with the most laudable vigour and the happiest effect. A seasonable Proclamation has been issued by the Lord Lieutenant and Council, warning those Disturbers of the Peace, whether under the Style of *National Guards*, or any other they might assume, of the dangerous precipice on which they stood.—Fortunately the hint was taken; for let me tell those Gentlemen, that * the raising and keeping together numbers of armed men, *against the express commands of the Executive Authority*, particularly if for the reform of imaginary, or even of real public grievances, have been adjudged to be a constructive levying of war against the King, and of course High Treason. The Constitution avows no course of proceeding for a

* Fost. 211. 1 Hawk. 54. 6th Edit.

redress of grievances but by Petition to any one or all of the three branches of the Legislature, conducted in a peaceable, orderly and respectful manner; a right disputed by the arbitrary and infatuated House of Stuart, but unequivocally asserted at the glorious Revolution in the famous Bill of Rights. But, Gentlemen, an * attempt by intimidation and violence to coerce a redress of grievances, to force the enacting of a new, or the repeal of a subsisting Act of Parliament, is a proceeding of a very different complexion indeed; it is in construction of Law nothing less than to wage war against the King—it is High Treason.—The Government has also taken vigorous measures to crush every symptom of insurrection and tumult in the country; and to apprehend and bring to justice all Sowers of Sedition—Sedition,

* Doug. 570.

which

which is smothered Treason ; whose object is Commotion and civil Convulsion, and which leads of course to the perpetration of every Crime——And let me remind my brethren the Magistrates in the most solemn manner in the presence of our County, that a more than ordinary vigilance and exertion is expected from them at this crisis, when the friends of anarchy and confusion are unusually active. They cannot render a more solid service to their Country, than by counteracting the malignant industry of Clubs and Societies *united*, under the colour of Reform, for the most criminal purposes; indefatigable in circulating the most mischievous opinions, and intent on subverting the whole fabric of Government. Such Confederacies are just objects of unceasing jealousy, vigilance and controul. The Magistrates should hunt them through their most secret coverts, and never give them

them quarter. It is their duty to disperse, and if refractory, commit to the Members: it is, in one word, their duty to disperse all meetings of a seditious tendency, and to commit all who distribute seditious writings, or hold seditious and treasonable Conversations. For, Gentlemen, though mere *words* can not amount to an Overt-act of Treason, unless * uttered in contemplation of some traitorous purpose, actually on foot or intended, and in prosecution of it, yet when spoken in contempt of the King or of his Government, whereby his Majesty may be lessened in the esteem of his Subjects, and his Government weakened, I say † words so uttered are highly criminal and punishable by fine and imprisonment, and even by pillory. Much more criminal must seditious *writing* be, as Writing imports a delibe-

* Fost. 200.

† 1 Hawk. 92, 3. 6th Edit.

rate act, and if published may, under certain circumstances amount, even to an
 * Overt-act of High Treason.—The Magistrates are also particularly called upon to caution all Publicans and Victuallers within our jurisdiction, against suffering their houses to be converted into dens of sedition and confederacy, under pain, not only of being stript of their Licences, but of being responsible for the crimes of those whom they harbour.

The most dangerous and destructive Being in the Universe would be Man, but for the restraints imposed upon him by divine and human Institutions. Religion and Law are the chains which are thrown round Man in the Social State; and which fetter and bind him down to his good behaviour. But in vain does the Legislature speak, if the Magistrate will not act; in vain do we

* 1 Hale. 118. Fost. 198.

boast of the best System of Criminal Jurisprudence in the world, if it be allowed to sleep in the Statute-book, instead of being executed with vigour and inflexibility. It can not be denied that a general relaxation and imbecillity in the administration of Criminal Justice has long been the reproach and misfortune of Ireland. It is the observation of a humane * Philosopher, " that the " greatest check to crimes is not the " cruelty but the infallibility, not the " severity but the certainty of punish- " ment." Let the Executive authority be liberal and mild, but let it be vigilant, firm and inflexible, and we shall seldom have occasion to resort to the severities of the Law. We know that the most likely means of human happiness are obedience to the Laws and the maintenance of established Order and

* Beccaria c. 27.

well-regulated power. In England it is well and truly said that a Constable's Staff executes the Law. The solid and rational liberty of that happy Nation—her splendour in arts and arms, in commerce and literature, in every thing that elevates and refines the nature of Man, is not more the result of just and equal Laws, than the reward of a vigorous execution of those Laws, and of a willing and implicit obedience to them.

But vain will be the exertions of Magistracy, vain the interposition even of Government, if the Gentlemen of influence and authority amongst us do not step out and second those exertions. We must no longer content ourselves with merely *wishing* well to our Country; the time is come when men must *act*, when every friend to Social Order will *form* round our unrivalled Constitution, and by a spirited conduct in his neighbourhood,

bourhood, sustain the Magistrate in preserving the public peace. Whatever speculative differences may exist in the Country, depend upon it, every man loves Order in proportion as he loves Liberty. In short, that Civil Liberty, which we boast to be our best birth-right, is but a delusion, when unaccompanied by a strict and inflexible execution of the Law.

One word more before I dismiss you. At a former Session, I had occasion to deplore the fatal spirit of Combination which raged in that part of the Capital to which our Jurisdiction extends. That baneful spirit happily hath been suppressed through the activity of our Magistrates, and some seasonable examples made by this Court; and the Artizans have once more returned to their looms, and to the peaceful exercise of their several occupations. Nor should it

it in justice to them be forgotten that much pains had been taken to inflame and excite some of the neediest and most destitute among the Journeymen, and to *affiliate* them into subordinate Jacobin Clubs, for the blackest and most atrocious purposes; but that they have in general had the virtue and good sense to resist the infamous proposals. Thus deporting themselves, they have an irresistible claim to our best offices and exertions. Whilst they are employed in honest industry, and in advancing the manufactures of their Country, it behoves us to see that * Foretallers and Ingrossers do

* Foretalling, which is the generic term and comprehends the offences of regrating and ingrossing, is thus indignantly denounced by the old Law:

" *Pauperum depressor, totius communitatis et patrie*

" *inimicus, lucrum sitiens vitiosum, 1^o convictus gra-*

" *viter amercietur; 2^o subeat judicium pilloria; 3^o*

" *incarceretur et redimatur; 4^o abjuret villam. 3 Inst.*

"195."—At this day it is punishable at common

law

do not enhance the Necessaries of life, and add further burdens to our Tradesmen already struggling under too many difficulties. Gentlemen, this abominable practice demands your most active Inquiry; and if any amongst you have personal knowledge of it, you ought not to wait for the return of Informations to you upon the subject, but are bound by your oath, to discover and present the Offender that he may be indicted.—

And let me address a word to you out of your capacity of Grand Jurors; as Gentlemen of feeling and sensibility: Let me recommend to you an *Association*—nay, start not at the word!—an Affo-

law by fine and imprisonment.—The 5 and 6 Edw. 6. 14. Eng. Stat. describe those several offences with great precision. “A *Forestaller* is one who buys up victuals, or other commodities on their way to market—a *Regrator*, who buys victuals in the market and sells them in the same market or any other within 4 miles of it—and an *Ingrasser*, who buys great quantities of victuals to sell again.”

ciation

oliation for the relief of distressed Artizans. If we *must* have Associations amongst us, for God's sake let us set the example of one for a virtuous purpose——not for preserving game, nor for preserving covers and propagating vermin, nor for circulating libels and sedition——in short, not to administer to the luxuries, the folly, or malignity of Man. Let us Associate for the relief of the poor Manufacturers of the Liberties, whose sufferings at this dear and pinching season, challenge our sympathy, and whose patience and good conduct under their sufferings demand our warmest approbation and applause.

Gentlemen, I have detained you too long from the discharge of your duty, and of the important business which awaits your consideration.

A
C H A R G E

DELIVERED TO THE
G R A N D J U R Y
OF THE
C O U N T Y O F D U B L I N,

AT THE QUARTER SESSIONS OF THE PEACE,
HELD AT KILMAINHAM,

BY ROBERT DAY, Esq.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW,
AND CHAIRMAN OF THE SAID COUNTY.

Published at the Request of the High Sheriff and
Grand Jury.

TO WHICH IS ADDED,

The ADDRESS of the HIGH SHERIFF and GRAND JURY,
Presented to the CHAIRMAN at the Close of the Sessions.



D U B L I N :

PRINTED BY RICHARD EDWARD MERCIER and CO.
BOOKSELLERS to the HON. SOCIETY of KING'S INNS.

1795.

THE UNIVERSITY OF CHICAGO

LIBRARY

OF THE

PHYSICAL SCIENCES

AND

ENGINEERING

DEPARTMENT

OF

PHYSICS

AND

ASTRONOMY

CHICAGO, ILL.

1900



A CHARGE, &c.

Gentlemen of the Grand Jury,

THE duty which we are this day in our combined capacities called together to discharge, however familiarized by its frequent return, is the most serious and awful incidental to the human condition. In this solemnity we see nothing less than Man exercising one of the great prerogatives of his Creator, and sitting in judgment upon Man.

It

It cannot be denied that civil society, for which we are formed, could not hold together without the right to ordain, and the authority to inflict, capital punishment. Man is the slave of turbulent and domineering passions, which can hardly be controuled, or public order preserved, even by the formidable sanction of death. But if heavy and exemplary punishments, and even death itself, *must* be inflicted for the benefit and maintenance of society, it becomes a sacred duty to ourselves, while we discharge this momentous trust, to examine whether our system of criminal jurisprudence be so contrived, that the sword of the law shall fall only upon the guilty neck ; and whether the precautions thereby provided for the protection of life and liberty be such as innocence may well confide in, and
power,

power, wealth and malice assault in vain. Nor will the inquiry into that vital part of our laws and government be thought unseasonable at a time when men are found amongst us who would depreciate, and with rash and parricidal hands pull down the whole of that antient and venerable fabric. At such a time you will not think a few moments ill-employed in contemplating the happy effects of our criminal system, appreciating its eminent advantages, and renewing thus occasionally our homage of gratitude to that best of Constitutions under which we may all enjoy in fearless security every civil blessing of life.

The Criminal Jurisprudence of these realms consists of three great component members;—the Grand Jury, the Court, and the Petit Jury; to each of which
are

are assigned their distinct and appropriate functions.

In this distribution of functions, to the *Grand Jury* is allotted the grateful task of protecting innocence against false and malignant accusation. Such is the caution and tenderness of our criminal law, that it allows no subject to answer any charge which has not previously been submitted to the scrutiny, and received the sanction, of a Grand Jury. Where the right of accusation is uncontrouled, the security of innocence must be precarious indeed. Poverty, simplicity, virtue, are but feeble and unequal competitors with power, cunning and malice. The institution, therefore, of an intermediate body between accusation and trial is a proud and beautiful feature of the British Constitution ;

Constitution ; worthy of its benignity and wisdom ; founded in a just jealousy of power and human malignity, and in a tender solicitude for the civil rights of the subject. The Grand Inquest, composed of twenty-three of our peers, selected for their independence and character from the body of the County, acting under the solemn obligation of an Oath, are appointed to exercise a severe and inquisitorial judgment upon every charge, and to stamp it with their verdict, before the party accused shall be at the trouble of accounting for the particular act imputed to him.

The province of the *Court* is to see that the crime be alleged in the indictment so clearly and precisely, that the defendant may know what the charge is which he is called upon to answer ;

answer; that all evidence in its nature ambiguous, irrelevant and incompetent, be rejected at the trial; that the law arising out of the evidence be faithfully and correctly interpreted to the jury; that the Judge do watch over the legal rights of the defendant, and, as far as they are concerned, even be his counsel; and that justice be executed in mercy, according to the true spirit of our constitution, solemnly inculcated in the coronation oath. "Judges," says the humane and eloquent Foster, "should have written on their hearts the solemn engagement of their King, to cause law and justice to be executed in mercy in all his judgments."

The Charge, and of course, the Fate of the prisoner, finally depend upon the

the uncontrollable voice of the *Petit Jury*; that simple, excellent and effectual bulwark against injustice and oppression. What greater security for life and liberty can be easily imagined, or can innocence desire, than the certainty that we cannot be divested of either but by the unanimous decision of twelve of our honest and impartial Equals? The invention of this species of trial has been attributed to the superior genius of Alfred; but however improved it might have been by him, its institution seems coeval with the first civil government of England. Our sturdy ancestors considered the Trial by Jury the Palladium of their Liberties; they enforced its confirmation by *Magna Charta*, and preserved it unimpaired through every conquest and change of govern-

government. God grant that the noble institution may never degenerate ; may never become the instrument of power, or the dupe of faction ! Depend upon it, the boasted liberty of this flourishing empire cannot long survive the purity, firmness and dispassionate impartiality of Petit Juries.

Thus the *Grand Jury*, which controuls and stifles improper accusation ; the *Court*, which holds an even hand between the Public and the Accused ; and the *Petit Jury*, who look into the evidence of men's actions, and from thence into their motives and hearts, bear their several and distinct parts in this admirable arrangement ; all co-operating, as far as human wisdom could contrive, to secure alike the protection of innocence and the punishment of guilt.

And

And what have been the effects of this happy system of jurisprudence? Has it not assured our property, stimulated our husbandman and manufacturer, and generated and fostered that industry and ingenuity which have glutted the markets of the world with the commodities of the British empire? Hence that universal confidence in the vigour and indiscriminating equality of our law, which hath converted these little islands into an asylum for Misfortune, and a depot of the specie and wealth of Europe. But the most flattering testimony to this excellent system, as well as to the general principles of our constitution, is that of France herself. That unhappy nation, after wading through seas of blood and horrors unutterable in pursuit of her favourite phantom, seems at last
awakening

awakening from her fatal delusion; and we hear her now acknowledge the pre-eminence of the trial by jury, and that true rational liberty is to be found only under a government composed of three balancing estates. Those important truths, however, she might have learned at less expense; truths so clearly exemplified amongst her neighbours of Great Britain, who are the first people in the world that have taught the true theory and science of government. There she might have seen a people possessing as large a portion of real liberty as is consistent with a state of society;—the liberty of doing every thing right, and restrained only from doing wrong;—every man's just rights, the fruits of his industry and talents, his person, the free exercise of his religion—all
 secured

secured to the extent of his most sanguine wishes.

Gentlemen, we have the same common law, and nearly the same statute law, with England. We boast of the same happy temperate constitution, placed midway between the extremes of chilling despotism and intemperate democracy. Why not then yield the same fruit here as in England? Whence proceeds that savage spirit of insurgency which never dies amongst us, but bursts forth at different periods in the different provinces with all the fury and desolation of a volcano? Whence, but because just and equal laws are not sufficient to practical liberty without a certain and vigorous execution of them. Because it is as much the fashion there for all ranks to assist the civil power

power in executing the law, as it is here to resist it. Because, in one word, her magistrates are active, her country-gentlemen public-spirited, and her peasantry sober, amenable and industrious. Such was the system of the great Athenian law-giver, who boasted that he attained his object "by the co-operation of strength with justice;" thereby implying that the legislative power could produce but little advantage, unless seconded by a vigorous executive authority.

At the same time it is but just to allow that, however the laws may be administered in other parts of the kingdom, there is no indolence or inactivity amongst the magistracy of the county of Dublin. It cannot be forgotten that much pains were taken to
purge

purge and reform our magistracy, and to give to the county an efficient and respectable Commission of the peace. Hence we see of late but scanty Calendars: hence we find this county, considering its overflowing population, enjoy a singular share of tranquillity and good order; while some others, even on our borders, continue to be disturbed and ravaged by the most savage and cruel Banditti. The vicinity, however, of the mischief is alarming; and I trust it is unnecessary, under the awful circumstances of these times, to animate the magistracy, and all the property and power of the county, to a more than ordinary degree of vigilance and attention. By the calendar it appears that one man stands committed for tendering an unlawful oath, which may be punished by Transportation. The offence, it should

at first seem, would not lead to consequences of such serious or general mischief as to warrant a punishment so extreme. But we know by long experience that this is one of the earliest symptoms in every county of approaching Insurrection. The first step of the Agents of sedition is, to engage in their cause the simple and half-inclined peasantry, by the obligation of a prophane oath, " more to be honoured in the breach than the observance." The next is, to disarm all the property and virtue of the country. The progress from thence to insurrection, and to the perpetration of those barbarous crimes which stain our country at this period, is natural and obvious. The evil acquires strength as it advances; the civil power is set at defiance; the military must be resorted to; and the musket
and

and the halter close the last sad scene of the tragedy ! The nature, therefore, of this case well deserves your most serious consideration. Call the Informant before you, and examine and sift him diligently. If the charge appear to be well-founded, you will of course put it in the way of trial. But you will not stop there : You will be able, probably, by this personal examination, to learn whether this be an unconnected substantive offence ; or whether it be not a branch of one general system of devastation, intended to embrace the whole island ; a system promoted by Traitors, conspiring with the enemies of their king and country. If it be (as it is likely to turn out) a spark of that flame which rages in our neighbourhood, you, Gentlemen, as having a deep interest in tranquillity and the security of persons and pro-

perty in your county, will not delay an hour to take the most vigorous precautions against the progress of the mischief. Sensible as you must be of the benefits we enjoy under a mild and happy government, you have heard with regret and horror of the savage outrages committed in several of our counties. Possessing the just influence attached to well-applied property, you cannot exercise it so much to your own advantage or honour as in promoting a due submission to the laws, and such dispositions among the humbler and uninformed ranks of life, as may best secure to us the blessings of good order and civil liberty;—to win them by persuasion, protection and mild controul, from turbulent and uncivilized habits to the discipline of law; and by a sympathetic benevolence, and an ear ever open to the complaints

complaints of the peasantry, to reconcile them to that inequality of condition under which some wild or wicked men would teach them to repine, but which is the inseparable lot of human nature. But if conciliating measures shall fail, you will then stand justified in the sight of God and man, in resorting to that force which the wisdom and foresight of government have happily provided for us, fully competent to our protection, and proportioned to the critical and peculiar circumstances of these times.

There is another species of offence as wicked in its principle as pernicious in its effects, to which the present scarcity of provisions loudly calls your attention—that of forestalling and ingrossing. It is well known that many of the necessary articles of life pass through

through the hands of several successive purchasers, each of whom must have a profit before those articles reach our markets, whereby the ultimate price is advanced unconscionably, and an artificial scarcity is created. The law has provided very heavy and exemplary punishment for this offence, so mischievous to trade and oppressive to the poor. The Legislature I say has done its part; do you yours. Institute an active and strenuous inquiry after those bad members of society, who, instead of resorting to honest industry, stand between the farmer and consumer, lift the necessities of life beyond the lips of our manufacturers and tradesmen, and traffic in the sufferings of poverty and hunger,

Gentlemen, I shall not pay so bad a compliment to your experience and understandings,

understandings, or to my own humble labours in this Chair for so many years, as to suppose it necessary at this day to detain you by a dissertation upon the duty of a Grand Juror. The sum and substance of it is compressed into your oath, and may be conveyed in three words—*Diligence, Secrecy, Impartiality.*

As to *Diligence*, I confess I do not see how gentlemen can reconcile that express injunction of the oath with the lazy habit which has grown up among Grand Jurors, of going to business at a late hour, and even then of not assembling their whole number. The obvious consequence is, that the public business is sometimes very injuriously retarded, and the burden of duty thrown upon the diligent and conscientious, to the indulgence of the
less

less scrupulous. I have no fear of such default in the course of this session; but should it so happen, I must rely on you, Mr. Foreman, to signify the same to me forthwith, in order that the Grand Jury may be called over upon a fine.

With respect to *Secrecy*, nothing can be more express than the oath upon that head of your duty: "Not to disclose his Majesty's counsels, your fellow-jurors, or your own." And yet, strange to tell! we have sometimes known some of the most important proceedings of Grand Juries transpire even to the minutest circumstances attending them! Gentlemen, the evidence for the Crown is a sacred deposit which you are not at liberty to betray. Antiently the Grand Juror who did so
was

was held an * accessory to the offence, whether it was treason or felony ; and though the law be now otherwise, still he is guilty of a high misprision, and liable to fine and imprisonment. Such disclosure serves but to give the party accused an opportunity of practising upon the witnesses, to discourage criminal prosecutions, and expose every Grand Juror to the most indecent solicitations.

On the subject of *Impartiality*, I shall not offend men of your condition and sentiment by dwelling on its necessity. You stand, Gentlemen, in a post not only of honourable confidence, but of serious and grave responsibility. On
one

* 3 Inst. c. xlv. p. 106. 1 Hawk. c. xxi. p. 148.
7th Edit.

one side you see the King himself, as the public accuser, suing for justice at your hands ; on the other, your fellow-subject, with every thing that is dear to him, his life, liberty, honour—all committed to your protection. You will, I doubt not, hold an honest and even balance between the public and the individual ; remembering while you bestow due attention upon the good order and police of our county, that you are not at liberty to doom any man to the hardships of a public trial but upon the most satisfactory evidence. On this part of your duty give me leave to enlarge a little, it being, as I conceive, not sufficiently understood or felt in this kingdom.

There are three species of evidence which our Grand Juries are considered
as

as competent to entertain: 1. The *evidence of their own senses*, which obviously is the best and most conclusive. Upon that it is that a *Presentment* is founded; that is, the notice which a Grand Jury is *bound* to take of an offence committed within their knowledge, without waiting for a bill of indictment from the Clerk of the Peace. If you, or any of you, know any thing presentable, you are sworn not to leave it unpresented. 2. The *viva voce* evidence of such witnesses as are sent by the Court to the Grand Jury to be examined for the Crown. In England the uniform practice is, for the clerk of the crown or peace to swear the witnesses for the Crown in open court, and to indorse their names on the indictment; and upon their testimony alone the bill is found
or

or ignored. 3. The sort of evidence most in use in Ireland, and which, allowing it to be * legal, is certainly to a conscientious and discerning mind the least satisfactory, is the written depositions of witnesses for the Crown, called *Informations*, sworn before a magistrate, and sent up to the Grand Jury with the bill of indictment. Were this question a *res integra*, and now fit to be discussed, I should have no difficulty to declare this secondary evidence

* See Denby's case, Leach 411, 2d edit. "The Grand Jury, upon the prevarication of one Denby, a witness, produced before them, applied to the court for the depositions taken before the magistrate, but they [J. Gould and B. Hotham] refused the application, declaring, that as the best evidence was the *viva voce* testimony of Denby himself, they could not abandon that, and resort to the secondary kind of evidence resulting from his written deposition." And yet there was reason to suspect that the witness in that case had been tampered with by the prisoner. There is another instance cited in the margin of that case of a similar application having been refused.

evidence of depositions to be illegal and inadmissible, and that nothing less than the *parol* testimony of a witness ought to be received by a Grand Jury to ground an indictment upon. Such inferior proof would * in general be inadmissible before a Petit Jury; and how much more to be rejected by a Grand Jury, who are precluded from receiving any evidence on behalf of the party accused. It is a manifest violation of an established rule of evidence, " that none but the best evidence which the nature of the case will admit of ought to be received." The practice, however, has obtained, I know not how, in this kingdom, time out of mind; the Judges of the land

* Unless it appeared upon oath, to the satisfaction of the Judge, that the informer was dead, or so sick as to be unable to travel, or spirited away by the prisoner.

land acquiesce in it invariably, and it is our duty to submit to it. Nevertheless, without presuming to shake the established usage, I may be allowed to recommend earnestly to you, in all cases of the slightest doubt, to resort to the English course of Personal Examination. Consider whether you can sufficiently satisfy the oath you take, "*well and diligently* to enquire," by merely reading the information of an angry and prejudiced witness in his own cause, "with the blow still glowing on his cheek," and often taken in a very slovenly and reprehensible manner. Consider whether a Grand Jury can act in general with impartial justice to the accused party for whom no witness can be examined, but by cross-examining and diligently sifting the witness *against* him, and by an actual

actual enquiry from the witness's lips into all the circumstances of the case. The Irish practice, of finding bills upon slighter evidence than in England, multiplies them in this kingdom inordinately; and it often happens, very little to the credit of the Grand Jury, that a culprit shall be acquitted even upon the testimony of the prosecutor. Thus the county is burdened, the public time is wasted, and an innocent fellow-subject involved in the manifold inconveniences of a public trial, without any means in general of compensation or redress.

I am aware that delay may be objected to personal examination; but if such an objection could be seriously urged, where the dearest interests of a fellow-creature are at stake;

if

if an argument could be gravely offered to a christian tribunal which a pagan poet * would blush to listen to, it is only at affizes the objection can have any weight, where the Judges are limited in time, and not at sessions, where we are under no such difficulty. I have, therefore, always exhorted Grand Juries, for the better investigation of truth, to adopt as closely as possible the just and humane practice of England; and it is with great satisfaction I perceive it has grown very much into use with the Grand Juries of this County.

In a word, Gentlemen, let me remind you, in the language of Lord Coke †, “ that indictments should be
“ formed

* *Nulla unquam de morte hominis cunctatio longa.*

JUVENAL.

† 2 Inst. c. 12, p. 384.

“ formed upon plain and direct *proofs*,
 “ and not on probabilities and infe-
 “ rences*.” The moment Grand Juries
 yield to mere probability, or think
 themselves at liberty to ground their
 verdict on less than positive evidence,
 they betray the trust reposed in them
 —they cease to be the guardian of in-
 nocence and shield of civil liberty—
 and there is an end of that happy free-
 dom, that calm tranquillity of life,
 which is the great object and forms
 the prime blessing of the social com-
 pact.

Gentlemen, I shall detain you no
 longer.

* The rule which I have heard Lord Chief Baron
 Yelverton recommend is, to ignore the Bill unless the
 Evidence be such as, supposing it to remain uncontradicted
 or unexplained, would warrant a verdict of conviction
 from the Petit Jury.

T O

ROBERT DAY, Esq.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW,
AND CHAIRMAN OF THE COUNTY OF DUBLIN.

S I R,

WE, the High Sheriff and Grand Jury, deeply impressed by your excellent and constitutional charge, delivered at the opening of this Quarter Session, return you our sincere thanks for the same ; and, desirous to diffuse the salutary doctrines thereof, we request a copy of it, with your permission to publish the same.

Permit us to take this public occasion to testify the respect and esteem which you have excited in our minds

C 2

by

by the exemplary manner in which you have uniformly discharged the duties of your important station. We have ever found you able, diligent, patient and impartial; and as a wise and upright Judge is a public blessing of dearest import, that portion of the people who are served and protected by talents and integrity, are naturally called upon to proportion their gratitude (if possible) to the benefits conferred.

In our thanks you can trace no insincerity, no courtly adulation. In addressing you we designate the magistrate whose manners have conciliated our affection, and whose virtues have deserved our esteem.

ST. GEORGE O'KELLY, Sheriff.

EDWARD KENNEDY, Foreman,
for Self and Fellow Jurors.

To

To which Mr. Day returned the following Answer:

GENTLEMEN,

THE spontaneous approbation of virtuous and enlightened men is the brightest reward which exertion can receive, or honest pride enjoy. I will not deny how much it has been my ambition to deserve, by a conscientious discharge of an arduous duty under your eye for several years, the esteem of the county of Dublin ; but it would be unpardonable presumption to take the merit of succeeding exclusively to myself. The public spirit of our Grand Juries, the purity and firmness of our Petit Juries, the active co-operation of some of our Magistrates,

and

and above all, your indulgent and con-
 descending interpretation of honest in-
 tention, have rendered the execution
 of this important trust as light as the
 situation is honourable.

ROBERT DAY.

A
C H A R G E
DELIVERED TO THE
G R A N D J U R Y
OF THE
COUNTY OF DUBLIN,

AT THE QUARTER SESSIONS OF THE PEACE,
HELD AT KILMAINHAM,

On Tuesday the 12th of January 1796.

BY ROBERT DAY, Esq. M. P.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW,
AND CHAIRMAN OF THE SAID COUNTY.

Published at the Request of the High Sheriff,
Magistrates and Grand Jury.



D U B L I N:
PRINTED BY RICHARD EDWARD MERCIER and CO.
BOOKSELLERS to the HON. SOCIETY of KING'S INNS.

1796.

C H A R G E

RETURNED TO THE
C R AND JUV RY
of the

COUNTY of DUBLIN

At the CHARTERED SESSION of the PEACE
held at MILDENHAM

On the 14th day of January 1881

By ROBERT DAV, Esq. M.P.

On the 14th day of January 1881
the Court of the said County

Ordered in the presence of the said Robert Dav
Magistrate and Clerk of the Peace



Printed by EDWARD BOWMAN, M.D. & CO.
at the County of Dublin

KILMAINHAM, January 12th, 1796.

THE High Sheriff, Magistrates and Grand Jury of the County of Dublin, return their warmest Thanks to ROBERT DAY, Esq; Chairman of the Quarter-sessions, for his very able and Constitutional Charge this Day delivered to the Grand Jury; and conceiving that the Promulgation of it at this Juncture would be highly useful, they request his Permission to publish it.

Signed by Order of the Meeting,

GEORGE VESEY, SHERIFF.

GEORGE GRIERSON, FOREMAN.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

A C H A R G E, &c.

Gentlemen of the Grand Jury,

IT is impossible for any Irishman, not dead to all public virtue, to contemplate without exultation and just national pride, the Stability of these Kingdoms, amidst the Convulsions and disastrous Events which in the lapse of a few years have desolated the greater part of Europe. While we prostrate ourselves in grateful adoration before the throne of God for this his stupendous goodness, it may not be unprofitable to inquire into the more immediate Causes of our Exemption from those
awful

awful Calamities, which it has pleased Providence to visit upon so large a portion of our Fellow-creatures. Such disquisitions, while they teach us to form a just sense of our Establishments, and of their importance and value, must lead every man of prudence and reflexion to sustain and cherish them, as the surest means of our preservation amidst this wreck of Nations.

The structure and frame of our Government is the great and primary Cause, to which under God we are indebted for our Security, Strength and Prosperity :—that mixed Government, in which Monarchy, Aristocracy and Democracy combine their several Energies and best Properties, and controul the vices and excesses of each other,—that Government, in which these three Rival Powers are tempered into an apt consistence; and so many advantages seemingly

seemingly irreconcilable, like the jarring Elements of Nature, conspire to produce this harmonious well-poised order of things. From this Form of Government, in which the interests of All are alike considered, result our System of just and Equal Laws, and the principles which regulate the administration of Justice amongst us. From the same source is derived the happy State of Civil Society in these Kingdoms ; where Protection is extended equally to All, where there is one Law for All, and where abilities and integrity secure free access to the emoluments and honours of the State for All. When I look through these Countries, I perceive that it is not distinguished Rank or high Birth, but, superior Talents and acknowledged Merit which indiscriminately conduct the possessors to the proudest Eminences of the State. When I look through our flourishing Capital, when I look

B into

into the Jury-box which you, Gentlemen, now fill, I cannot but recollect that Industry, Probity, good Sense and Skill, are the unerring guides to wealth, honour and distinction amongst us.— In a word, it is by the energy and the protecting influence of our free and temperate Constitution, lying midway between Tyranny and Licentiousness, that the British Empire has risen to its unrivalled greatness, and the People to the highest gradation in the Scale of Political and Civil happiness.

Among the various means employed to secure the Civil Rights and happiness of our People, which in truth are the basis of public Security and Strength, none is more distinguished than that which the present Solemnity draws into action. You perceive that I allude to the administration of Criminal Justice amongst us. Our whole Judicial Constitution

Constitution is indeed a blessing ; but particularly the Trial by Jury. In the construction of our Criminal Tribunals, which are separated into distinct parts, the more effectually to guard against corruption, caprice and error, the leading principle which has been steadily kept in view is Equality. The Grand Jury and the Petit Jury are composed of Men, who in their turn are liable to be tried by others of their Fellow Subjects discharging the same awful and important Trusts. That measure of Justice, which the Juror metes out to his Fellow-subject to-day, may be dealt to himself to-morrow ; it behoves him therefore that it be a just measure. So also they are indiscriminately called to those Services, from time to time as each occasion requires, from the great body of the Freeholders of the County ; no distinction observed, save that of Character and a very moderate qualifi-

cation of Property. It must strike you therefore that being transitory and Occasional Bodies, they are not exposed, as a Permanent Jury would be, to the operation of any corrupt or undue Influence, which the Rich and Powerful can always best command.

Nothing can more clearly illustrate this Equality (and as long as the modifications of corporal and intellectual Strength continue innumerable, so long will any other Equality of Condition be impracticable) than the dire effects of a Permanent Jury in France. That wretched Country had got a glimpse of our Establishments, and she adopted from us the institution of Juries. But they were Juries in name only, and not in principle or construction. Instead of impannelling them for each distinct Occasion as it occurred, her sanguinary Legislators established Standing Juries ;
not

not to exercise their judgment upon the Cases presented to them, but to sanction with their venerable name the most unparalleled Enormities. The consequences were what might be expected. These Permanent Juries soon became the convenient Organ of each succeeding Monster in power, and at his nod, without even the formalities of law, consigned daily Hecatombs of innocent Victims to Judicial Sacrifice. Gentlemen, your indignation rises at this horrid prophanation of the sacred institution of Juries! an Institution which you habitually contemplate as the sure refuge and Sanctuary of Innocence, the Poor Man's best Friend, his Tutelar God; the strong Curb of insolent Power and licentious Authority; the Terror of Guilt alone!

But as Equality of Justice requires
that

that Juries shall be Occasional, so to an uniform, skilful and enlightened interpretation of the Law it is necessary that the Judge shall be Permanent. Independent of the Crown, stimulated by the conditions of his Tenure to a pure and upright conduct, controuled even by the Publicity of all Criminal proceedings from yielding to prejudice, passion or any other corrupt affection of the mind, the Judge may safely be Permanent. And indeed of necessity he must be so, as long as we prefer a System of known and fixed Laws to novel and chimerical Opinions: as long as Jurisprudence is considered a Science founded on solid and fixed principles:— in a word, as long as industry, experience, education and learning are essential Ingredients in the Judicial Character.—And in fact, if in such an assemblage of Excellence as the British Government, it be conspicuous
in

in any one of its Component Establishments beyond the rest, it is in the administration of the Laws and the dispensation of Justice, Civil and Criminal, by the Superior Judges. However insufficiently filled, or negligently administered other Departments of the State may sometimes happen to be, it must be admitted that, on our several Judicial Benches, men are to be found of the most elevated characters ; who unite industry with talents and science ; and who, impressed with a deep and conscientious Sense of the sacred duties of their functions, devote the whole of their lives to the Service of the Public.

In a word, we may with truth assert, that there is no Nation under the Sun in which Justice is so Equally and impartially administered, as in these Realms. And of the Law, it may with no less truth be said, that as it provides

provides a remedy for every injury, so it affords that remedy Equally to the Proudest and the Poorest.

One should suppose, that under so favoured and providential a dispensation of things, no man in his senses could wish to change his Political condition. No man it might be hoped, who was not actually distempered in mind, or bankrupt in fortune or fame, could be seduced from a rooted sense of the singular advantages derived from a system of Laws, "as broad and general as the casing air."— But, alas! it can no longer be concealed, that the industry of Sedition and Treason has been too successful in both Kingdoms. The wicked Conspiracy happily has been traced through many of its ramifications in Great Britain and Ireland. What the proceedings

ceedings of the* British Parliament and Courts of Justice have been these two last years, to probe the evil and check its progress, it would be going out of our way to detail. But we know that Treason, of late, has thrown off the mask in our Sister Kingdom, and disdains all concealment. The late direct and immediate attempt upon the Person of the Sovereign no longer leaves the object of the Conspirators questionable, or the Treason matter of construction and inference. It was

C reserved

* Early in 1794 it appeared from the Reports of both Houses of the British Parliament, grounded upon uncontrovertible evidence, and in the course of the State Trials which were had at the Old Bayly in the October following, that a Traiterous Conspiracy had been formed and acted upon, by certain Societies and Individuals in different parts of England and Scotland corresponding and intimately connected, for subverting the established Laws and Constitution, pulling down the Monarchy, and for introducing in its stead that Anarchy and those extravagant notions of false Liberty, which have transformed the fairest and once the most civilized region of Europe into a wilderness of Tygers.

reserved for the peculiar and daring atrocity of modern principles to assail the FATHER OF HIS PEOPLE; surrounded by his devoted and exulting Subjects; in the exercise of that August Function, which dispenses happiness to Millions, which gives life and motion to the most sublime System of Legislation that History has recorded. Phrenzy alone it was thought could have armed itself against the life of a Monarch, as distinguished for his inviolable fidelity to the Constitution, as for his exemplary piety and domestic virtues;—whose Life, in addition to our Allegiance, challenges the tribute of our Love; and whose Death would be the bitterest calamity which could be inflicted upon his Subjects, and I might add at this juncture upon Europe.

In

In this Country the Plot has been conducted with more colouring and disguise, but perhaps with a still deeper degree of malignity. The object of the Conspirators in Great Britain was to subvert the Monarchy, that glorious fabrick which it has been the work of ages to erect, preserve, and meliorate, and upon its ruins to raise a Republic; that is, to let in all the confusion and wild misrule of France. This daring project was to be accomplished by means of a National Convention, to be openly and avowedly held; to which those evil-minded Enthusiasts had the folly to hope, that the sober, solid, and virtuous people of that Island might be persuaded to transfer their allegiance and confidence, from their good King and legitimate Parliament. But the object here was no less than to procure an Invasion from France; from a

People, in whose presence all Nature withers; whose progress has been invariably marked by devastation, famine and blood. *Gallorum gentem infestissimam nomini Romano intra mœnia arcessunt.*—This was to be seconded by a general Rising of the great Mass of our People, who were represented as *Semi-barbarous* *, ready for any change, and harbouring a settled and confirmed aversion to the British name and connexion—that Connexion, to which we owe every thing enlightened, prosperous, great and good amongst us—that magnanimous people, from whom we derive our proudest and most inestimable possessions; our Religion, our Constitution, our Common Law, our Liberties; this Institution which we now commemorate, and which, like a Presiding Angel, watches over and guards the whole—the

* See Jackson's Trial, p. 81 & passim.

the Trial by Jury. Gentlemen, you know that to promote this diabolical purpose, Jackson visited this City, an accredited Minister from the Dæmons of France to certain Traitors and Parricides of Ireland. You know that, through the vigilance and address of Lord Westmorland's firm and vigorous government, that unfortunate Man was apprehended with all the evidences of his guilt upon him; was afterwards brought to justice; and that his Cabinet of Conspirators, taking the alarm, prudently fled, and escaped the punishment due to their crimes. But the seeds of Treason unhappily had been previously scattered through the Island, and it must be owned that they have produced an abundant crop. It now comes out on the clearest evidence that those deluded men stiled *Defenders*, apparently but a lawless Rabble, confining their views as it at first seem-

ed

ed to mere acts of Plunder and Felony, have in truth been regularly embodied and organized under Leaders and Committee-men. It appears, that the Plot had rooted itself so extensively, that the Insurgents, through no less than nine Counties, have been leagued together by the most sacred (or rather, the most accursed) obligations to Rise upon a concerted signal; that All were bound by the same oath to the National Convention, used the same mysterious Signs, acted in unison, and were moved as it were by one Spring. With the same traitorous purpose they have been disarming every man in those Counties, upon whose co-operation they could not count, and who wanted courage and public Spirit to resist them. With the same criminal view they learned the use of Arms, levied Contributions, purchased Ammunition, recruited avowedly for the
National

National Convention, employed Emis-
saries in the experiment, as vain as
wicked, of debauching our brave and
steady Soldiers; and in short took
every step to strengthen themselves,
and give effect to the long-expected
Descent.—Meantime the Conspirators
were not idle in the Capital. In a
* City, so populous and so profligate,
the most desperate Enterprize will not
long want an army of Advocates. All
men, goaded by bankruptcy, evil so-
ciety, or conscious guilt, have an inte-
rest in confusion, and were pleased to
find a Rallying-point. Neglected Ap-
prentices, needy Journeymen, seditious
Masters hoping to “ride in the whirl-
“wind,” here formed themselves into
Societies, Committees and Clubs, and
familiarily discoursed of Rebellion as
the sacred birth-right of the People.

The

* “*In tantâ tamque corruptâ Civitate, Catalina, &c.*
See Sallust *in bello Catal* :

The *Philanthropic Society* enlarged with great sensibility on the virtue of Assassination and the use of the Popiard. The dregs of the dissolved *United Irishmen* thought a Civil War the best expedient for promoting a general Uniformity and Harmony of Sentiment. And there is reason to believe, that a Massacre upon a comprehensive Scale was in agitation, as the surest means of promoting Political Morality and the Christian Religion !

Such, Gentlemen, is the dark and formidable Conspiracy, which, through the signal Mercy of Providence, has been brought to light when at the very point of explosion. Much praise is surely due to Government, for the perseverance and energy with which this infernal Plot has been followed up and defeated. We have awakened on the brink of a Precipice. We have been walking in dull security over a Mine,

Mine, which by good fortune has not sprung under our feet. But though the Electric Cloud be passed, the sky still lowers. "We have scotch'd the snake, not kill'd it." The Diligence of Bad Men never sleeps, and has the additional danger of being mingled with a cautious observance of times and seasons. They can withdraw, when the aspect of things is unfavourable; but if the alarm, which they have raised, shall subside, if your vigilance shall be lulled into security, then, like Summer flies after a Storm, they will again come forth with keener acrimony and renewed activity. Can it be doubted, that Republican Agents and disaffected Men of no mean condition foment this traiterous spirit, and administer to the support of those deluded Wretches, who can have no resources of their own to rest upon through

D this

this barbarous warfare, so long and obstinately waged upon all Order and Civil Government in the Country?— But it is to be hoped, that the danger which happily we have escaped, and this malignant and contagious phrenzy of our peasantry which “ frights “ the Isle from her propriety,” will awaken us all from the stupid lethargy in which we have hitherto been plunged; will animate, to a more than ordinary vigilance and exertion, not only the Magistracy and Executive Power of the Country through all its gradations, but every Individual who has an interest in Social Order—who means not tamely to resign his property to depredation, and his breast to the midnight Murderer. The Evil has invariably been frowned down in those Counties, where a steady and determined countenance had been presented against it; on the contrary,

it

it has raged most where the families of natural influence and power, with the timid and fatal policy of the French Emigrants, had deserted their habitations, leaving the defenceless Country to the mercy of a desolating Mob. Gentlemen, depend upon this Eternal Truth, that there is more danger in Cowardice than in Courage. x The man who fights with the Law on his side is, alone, a Tower of Strength. Guilt is ever as Cowardly as Cruel.

Gentlemen, it is needless to trouble you with any Legal Observations of my own upon this important Subject. The Law has been * lately laid down distinctly by higher authority, the con-

D 2 curring

* By Chamberlaine, J. Finucane, J. and George, B. in the King against Weldon for High Treason at the Commission held 14th December 1795.

curing authority of three learned Judges ; and I cannot express it more clearly than in the words of the learned Baron, your late worthy Municipal Judge. “ It is now evident (said he) “ that the *Defenders* are not merely “ Felons but *Traitors*. The Oaths and “ Tests, under which they are enlisted, “ declare expressly that they are concerned with the National Convention “ of France for the purpose of subverting our Government. And it “ is now fit it should be made known, “ that it is *High Treason* to incite or “ encourage a man to become a Defender ; that it is Treason to harbour, comfort or abet the Defenders, “ —all persons in any wise concerned “ are Traitors. And further, all men “ who know, and do not disclose to “ Government or the Magistrates their “ knowledge of the Defenders, and
of

“ of their Criminal actions or purposes, are guilty of *Misprison of Treason*”—the Judgment for which, Gentlemen, is no less than that the Convict be imprisoned for Life, forfeit the profits of his lands for Life, and forfeit absolutely all his personal property.

These Observations, Gentlemen, I address not only to you, but to this assembled Multitude; in the anxious and fond hope, that every man who hears me will with his utmost industry circulate them, and impress the Law upon the minds of the deluded Peasantry in his neighbourhood. Say to them, that at the moment when Parliament had been most busy in ameliorating their Condition:—when the only * price which they paid to the State

* The Hearthmoney Act, which transferred that Tax from all Houses having but one Hearth to such as have more;

State for protection had been remitted, and the burden transferred to their Landlords—when they had been relieved, in a great degree, of Tythe, at the expence of the Protestant Clergy—when a liberal Provision had been appropriated to the Education of the Roman Catholic Clergy—and above all, when a Protestant Legislature, by a bold and enlightened policy, struck off those Religious and Political Fetters, which for a Century had galled the great body of our Fellow-Subjects :—tell them, that, false to the acknowledged Loyalty of their own Communion, the first use they have

more; the Barren Land Act, which exempted all Heath and waste unimproved ground from Tythe for seven years after improvement; the great Catholic Act, which gave to the Catholic, in common with the Protestant Peasantry, every political privilege of which that Order of the Community is susceptible—these liberal measures, calculated generally for the relief of the Poor at the expence of the Rich, were among the many excellent Laws of the Westmorland Government.

have made of long-lost freedom, the first record of their gratitude for this accumulation of Bounty, was a foul Conspiracy, with the Eternal Enemy of the British Empire, to dethrone that virtuous and beneficent Monarch who had himself become a Mediator for the Catholic Body with his Parliament of Ireland! to bend the neck of free-born Irishmen to the vile yoke of French Usurpers drenched in blood; of the fiercest Domination that ever blotted the page of history, or scourged any portion of the human race! Tell them, that their Guilt is the highest in the Scale of Crimes—that the Punishment which awaits them is the severest known to the law—that the public indignation is at its height, and calls aloud for vengeance on them—and that no resource remains but that they return forthwith to their Allegiance, and to those long deserted paths
of

of Industry in which alone they can find competence, and comfort for their unhappy families, balm for their wounded consciences, and favour from their offended GOD. Tell them, finally, that the best evidence they can give of contrition, and the surest title they can have to Mercy, will be a voluntary disclosure (before any information shall be given against themselves) of their whole Plot, and of the nefarious Incendiaries who have thus led them to destruction.

The Detail in which I have so long detained you will not, I trust, be deemed altogether foreign to the Duties of this day. We are assembled here to let loose the terrible Judgments of the Law, even Death itself, upon comparatively small offences against property; knowing at the
same

same time that Principles are instilled, and Plots conceived, which would confound all Property and its Owners in one undistinguishable ruin. Can we with a safe conscience execute those avenging Laws upon paltry Plunderers, unless we also, in our several capacities, exert our authority to stifle these levelling and pestilential principles, which have generated so many and such enormous crimes? Unless we use our best endeavours to trace to their Sources, and cut off, those waters of bitterness which overspread and pollute our Land? If there be any Fiends amongst us capable of "this deep" "damnation," any who, skulking behind in dastardly concealment, have urged their unhappy Victims down the Precipice, such are the proper
E objects

objects to select for punishment, and who of course demand your most persevering and determined inquiry. And therefore all Persons and Societies of that description, if any be known to you within our jurisdiction, I recommend to your most serious attention and severest animadversion.—So also all Houses, in which those seditious and treasonable Associations and Committees assemble, of which you have any knowledge, or shall receive information, should be Presented as Common Nuisances. The Publicans, who knowingly suffer their Houses to be converted to such Criminal purposes, (and it is incredible that they can be Strangers thereto) are deeply implicated in the guilt of the Conspirators; and the only question upon their Trial would be, whether they were Principals in the Treason for receiving

receiving and comforting Traitors, or guilty only of an atrocious and most penal Misdemeanor in *concealing* the Treason.—And the Magistrates will, I trust, forgive me, if I solemnly conjure them, in the presence of the assembled County, to be particularly chaste and cautious at this juncture in granting Licenses—to have a vigilant eye upon all Public Houses in their several Vicinities—to proceed summarily and severely against all unlicensed Publicans—and to withdraw their Licenses from all Publicans, whose conduct and character justify Suspicion; but Those, above all, who keep their Houses open at unseasonable hours. It would indeed be a Regulation of great public advantage, to shut up all places of mean and obscure resort at an earlier hour, than might perhaps be necessary in times less

critical. There can be no hardship in requiring men to retire early to rest, who should rise early to earn their daily bread. It is in the Dead of Night; when all Nature seeks repose—all but Animals of Prey—that Conspirators assemble, and hatch dark and bloody Crimes. And it is in those Hotbeds of corruption and debauchery, that the first seeds of Vice and Criminality are sown, which afterwards ripen into full-blown Guilt, and find such incessant exercise for this and every other Criminal Tribunal.

Upon the face of the Calendar two men appear committed for plundering a Dwelling-house of Arms, and two more for administering unlawful Oaths. Charges of so serious a nature at all times demand your gravest attention, but more especially when such are
known

known to be among the crimes of Defenders. Gentlemen, let me recommend to you in those Cases (as indeed I most seriously do on every occasion of importance and doubt) to call the Prosecutors before you, and to sift and search them with all your diligence. Such Personal Examination will not only enable you to form a competent and sound judgment upon these particular Charges; but may also lead you to further discoveries touching the general Plot, which I make no doubt it is your wish, as it is your duty and interest, to pursue through all its mazes and concealments.

Gentlemen, I shall not trespass farther upon your time than just to remind you, that you are the Constitutional Guardian of the Lives and dearest Interests of your Fellow-subjects; that you are the sacred Shield of
Innocence

Innocence against the strong arm of Power, Wealth, and Malice ; and that whenever a Grand-jury find a Bill of Indictment upon insufficient evidence, they betray the important Post committed to them by the Law ; they do an irreparable injury to the Party accused, and degrade into a mere formality one of the noblest bulwarks provided for Civil Liberty by our unrivalled Constitution.

THE
S U B S T A N C E
OF A
C H A R G E
DELIVERED TO THE
G R A N D J U R Y
OF THE
COUNTY OF DUBLIN,
AT THE QUARTER SESSIONS OF THE PEACE,
HELD AT KILMAINHAM,

On Tuesday the 4th of October 1796.

By ROBERT DAY, Esq. M. P.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW,
AND CHAIRMAN OF THE SAID COUNTY.

*Published at the Request of the Magistrates
and Grand Jury.*



D U B L I N :

PRINTED BY RICHARD EDWARD MERCIER AND CO,
BOOKSELLERS to the Hon. SOCIETY of KING'S-INNS,
AND TO BE SOLD AT THEIR SHOPS, IN THE NEW
COURTS, AND No. 31 ANGLESEA STREET,

1796.

7

1864

1864

1864

1864

1864

1864

1864

1864

1864

1864

1864

County of Dublin Quarter Sessions.

GRAND-JURY ROOM, OCT. 4, 1796.

Resolved unanimously,

That the Foreman, attended by the Grand Jury, do return our warmest thanks to ROBERT DAY, Esq. our worthy Chairman, for his most excellent Charge this day delivered to the Grand Jury, and do request his permission to publish it.

The Grand Jury accordingly proceeded into Court, and by their Foreman addressed Mr. DAY to the following effect :

Mr. Chairman !

I am commanded by the Grand Jury to return you their warm and unanimous
thanks,

thanks, for your most excellent Charge this day delivered to them—a Charge most judiciously adapted to the present critical situation of this Kingdom; full of sound advice, and true Constitutional Doctrine. It has made a deep impresson on their minds, and they would ill deserve the appellation of faithful loyal Subjects to his Majesty (their great ambition) if they did not scrupulously pursue that Line of Conduct marked out by you with so much judgment, energy and precision.

They sincerely wish you, Sir, a long and full enjoyment of your health and faculties, to discharge as heretofore the Duties of your present Station, or those of a still more dignified Appointment;—an event which they will be happy to see for your advantage, although it must be attended with a certain loss to this most respectable County of a firm, active and zealous Magistrate.

They

They earnestly and jointly request that you will have the goodness to allow them to have your most impressive Charge made as public as possible.

John Leigh, Foreman,

Nichs. Loftus,

Thomas Potter,

Frans. Mc. Farland,

John Pemberton,

Robert Walker,

George Cubbage,

J. La Touche Hume,

Jer. Sullivan,

Henry Wilme,

Robert Keeling,

Charles Norman,

Thomas Bennett,

Thos. Wildridge,

Paul Savage,

George Fox,

William Pemberton,

Hugh Skeys,

John Ray,

William Crosbie,

John Rambaut,

Robert Lee,

James Willson.

THE
SUBSTANCE
OF A
CHARGE, &c. &c.

Gentlemen of the Grand Jury,

I HAVE no doubt that the Oath which you have now taken has made a deep and due impresson upon your minds---that your conduct in the important Office which you have undertaken will be conformable to the spirit of that Oath---and that you will discharge the Duties which it imposes, diligently and conscientiously, not less to your own credit than to the advantage of the Public.

What those Duties are, it is hardly necessary to detail to Gentlemen of your experience and condition. No words indeed

C

can

can more clearly express them, than Those of that Solemn Obligation by which you have just bound yourselves. " You are well
 " and diligently to Inquire, and true Present-
 " ment make.---You are not to disclose his
 " Majesty's Counsels, your Fellow-Jurors'
 " or your own---You shall Present no person
 " or thing through malice, nor leave any
 " one Unpresented through fear, favour, or
 " affection."

As long as the world is inhabited by imperfect Beings, it will happen that " Offences come." To controul and punish Offences, and to protect Innocence and Virtue, it is, that certain known Rules of action, or *Laws*, are made; and to execute those *Laws*, by which Society is held together in this Kingdom, and to administer Justice to your County, You, Gentlemen, are now called together.

The first Object of the *Laws* is to preserve the Government and Constitution of the State. For this purpose have been enacted the Statutes relative to High Treason, and for this purpose have been instituted the late
 Prosecutions

Prosecutions for Treason, Conspiracies and Sedition ; Offences 'till of late Strangers to this loyal and humane Country. God grant that the numerous and severe Examples which have been made in the Capital and on the Circuits may have extended their beneficial influence to this, and to every other County of the Kingdom ! God grant that the ignominious fate of those obstinate Victims to Public Justice may have taught the deluded Abettors of Insurrection and Treason the fatal folly of grappling with the Law !—that Justice, like the merciful Author of our Being, though slow to mark what is done amiss, is sure to overtake with multiplied vengeance the persevering and incorrigible Offender !—That such Prosecutions should have been necessary, to every good man must be matter of no less surprise than regret ; because the most prominent feature of our Constitution is, that all Classes of men amongst us are equally intitled to the benefit of the Laws---that the Highest are not above the Law---and that the Lowest are within it's protection.

The next Object of the Laws is to protect our Lives, our Persons, and our Property. Fortunately there appears no Charge in the Calendar of an Offence against any of these, but such as your Experience has rendered you perfectly conversant with. It is unnecessary therefore to trouble you with any Comment upon the nature of them.

For the execution of the Laws and the punishment of Offences, the most usual and effectual Course of Proceeding is by *Indictment*; which is your proper and peculiar province. But in deliberating upon such Bills as shall be sent up to you by our Officer, you will ever bear in recollection the sacred Maxim of our Law---“that every man is to be presumed Innocent ’till he be *proved* Guilty.” It is true that the Grand Jury can receive Evidence, only in *Support* of the Charge; for an Indictment when found is an Accusation only, and not a Trial. But before you entertain that Accusation and adopt it as your own---before you stamp it with the solemn sanction of your Verdict---before you declare upon your Oath that

that there are just grounds for dooming a Fellow-Subject to a Trial, eventually affecting his property, liberty, character, perhaps his life---You are bound to satisfy yourselves * thoroughly, as far as the Evidence goes, that the Charge is true. The Grand-Jury Room is not an Office in which every Bill of Indictment which the Crown shall think proper to prefer, is to be implicitly Registered. You have a still prouder and more imperious duty incumbent on you---the protection of Innocence against Malice and Power. The Grand Jury is stationed as an Out-post upon the very Frontier of Civil Liberty, to repel the first inroads of Injustice; and the moment you find a Bill of Indictment without due consideration, and satisfactory proof, you betray that critical Post confided to you by a jealous and provident Constitution.---- And here allow me to repeat an admonition which I am fond of inculcating upon Grand Juries---not to trust too confidently to Informations, which at best are but Secondary Evidence; and which are often taken as

* 4 Black. Com. 302.

negligently

negligently by the Magistrate, as they are sworn vindictively by the Prosecutor. It is for want of a due and patient investigation of the Charge by the Magistrate, that our Grand-Jury table is so often loaded with angry and frivolous Informations. In all cases of reasonable doubt, suspicion, or obscurity, you ought to reject the Bill; or certainly not to find it, 'till you have called the Witnesses for the Crown before you, and satisfied yourselves of the truth of the Charge by a strict *viva voce* Examination.

But, Gentlemen, your Duties are not confined to the walls of your Grand-Jury Room. As the Grand Inquest of the County, you are bound to Inquire after and make *Presentment* of all Offenders, and of all Offences and Nuisances coming directly within your own knowledge and jurisdiction, and which from your Local advantages you have the best opportunities of discovering. Under this head of Inquisitorial Duties, falls That which requires you to present all Places of unlawful resort within your County, especially such as are kept open at unreasonable hours,

hours, or upon a day sacred to other purposes, the Sabbath; not for innocent recreation, but for dissipation and wanton debauchery.—So also all Meetings, Associations, and Clubs held for Combination among Tradesmen; or for any disorderly, seditious, or other unlawful purpose:—But above all, any Assemblies for promoting that modern complication of all Crimes—of robbery, burglary, assassination and treason—called *Defenderism*:—Such are proper objects for the most vigorous prosecution, and demand of course your most active and serious inquiry.—And it may not be amiss thus publicly to apprize the County, that the Legislature last Session made the County of Dublin responsible for all Robberies, Burnings and other such Outrages therein committed, by giving to the Sufferers compensation for their losses by Presentment;—in other words, by extending the operation of the 15th and 16th of the King, called the Whiteboy Act, to this County.—It is easy to discover the principle of this wise Provision, in the simple but happy Regulations which the great Alfred adopted to reduce his licentious Subjects

jects under the salutary restraints of Government and Law. He authorized the People to raise the *Hue and Cry*, and to make *fresh Suit* from place to place 'till the offender was apprehended. And in order to interest the disturbed District in such immediate pursuit, he made the several Divisions and Subdivisions, into which he distributed his Kingdom, answerable in damages for all Robberies therein committed.

Gentlemen, in your Inquisitorial capacity devolves upon you another Duty, painful perhaps in the execution, but dear to humanity, and such as on reflexion will well reward your trouble—that of visiting your Jails, and seeing that they are regulated according to Law. Since the last Quarter Session our Prisoners have been turned over to the New Jail—that splendid Monument of the humanity and munificence of our County, and of the taste and talents of the ingenious * Architect whom they employed. Let us follow up and second the benevo-

* Sir John Trail.

lence

lence of the County of Dublin, and take care that this noble Establishment, so happily contrived for the reformation of the Criminal, be not converted into a Seminary of wickedness and vice. Let us take care that the Crimes and inveterate Abuses of the Old Prison be not transferred with the Prisoners to the New. Let us see that the scanty Rights of the Unhappy be not abridged.—Gentlemen, let me recommend to you, when the Crown Business (which always claims your first attention) shall be dispatched, to appoint a Committee to Visit the Jail before the Court shall finally adjourn; and let them on the spot Inquire into the conduct of the Jailer and his inferior Officers towards the Prisoners. A Jailer should be taught that he is the Keeper, not the Tyrant, or Lord of his Prisoners—that the Powers intrusted to him over his Prisoners are for their safe custody, and not for extortion, persecution, or oppression—and that as long as a Prisoner conducts himself in a decent and orderly manner, he is intitled to humane treatment, and to every indulgence consistent with Security and his

D

Sentence.

Sentence. In a word, it is the duty of a Jailer to command with temper, and to enforce his just authority with firmness, but without violence, insolence, or brutality.—Your Committee will perceive also the necessity of extending their Inquiry to the conduct of the Inspector-General, the Local Inspector, the Distributor of Bread, the Chaplain, the Physician; in short, of every Officer whom the County hath attached at very liberal Salaries to the Jail. Let them see whether the Regulations prescribed by the Jail Acts, particularly the specific Rules ordained by the 15th of the King, be strictly observed;—but above all, whether Spirituous Liquors, Cards, Dice, or any other Game for money, be permitted in the Prison.—And of all these matters you, Gentlemen, will be pleased at your leisure to make a * Report in writing

* It would be unjust to the respectable Gentlemen composing the present Grand Jury to conceal, that this Advice from the Bench has been followed with the most laudable and humane punctuality. A Committee was selected, who proceeded to the New Prison; and after a long and minute investigation into the several particulars

ing to this Court; to the end that we may adopt the most effectual Regulations within our competence for correcting any existing Abuses, and for the better government of our Prison in future.—Such was the daily oc-

lars recommended to their attention, presented to the Court towards the close of the Session, a very well-digested and comprehensive Report. It was satisfactory to observe the favourable testimony in general borne by them to the conduct of the present Jailer and of the several other Officers; but particularly to that of the Rev. Mr. Stubbs, the Chaplain and Local Inspector, whose assiduity and benevolence in both capacities are vouched in the most flattering terms by the Committee.

The Chairman and Magistrates lost no time in taking this Report into consideration, and after an attentive inspection of the Prison, adopted some Regulations. Among others it was Resolved, that at each Quarter Session two Justices should be appointed *Visitors* of the New Prison, who should inspect it once a week at least, during the Quarter, together or separately; examine the condition and cleanliness of the Cells, the conduct of the Jailer, and the treatment of the Prisoners; rectify all abuses within their controul; enter at each Visit every occurrence worthy of observation, in a Book to be kept under lock and key in the Prison; and deliver in such Book as the Report of the Visitors to the ensuing Quarter Session.

cupation of the benevolent Howard, who laid down his Life in mitigating human Misery; whose Divine Spirit purged the pestilential Vapour, lightened the fetters, and softened the horrors of every Dungeon in Europe!

From many years' acquaintance in my Judicial capacity with the Grand Juries of the County of Dublin, I am aware how unnecessary it is to detain you longer upon the subject of your Duties. Of both Grand and Petit Juries I will say, that I have ever found them governed by a conscientious regard to their Oaths; and let me add, that of late, under very trying circumstances, they have uniformly and to their immortal honour evinced an unshaken zeal for our good King and unrivalled Constitution; displaying to their Fellow-Subjects of both Kingdoms a bright example of Loyalty and true Love of their Country.---But before you withdraw, permit me to address a word to you upon the present Critical State of the Country. If ever there was a Period which loudly and imperiously called for

for the active and vigorous exertions of every good Subject in his various capacities and relations, it surely is the present. It is not merely our Political Existence as an important Limb of the freest and happiest Empire in the world that is at stake, but the Physical Existence of every Individual amongst us. We know that the favourite and avowed object of the French Government is to devote their whole concentered Force to the Extermination of the British Empire. We alone have stood in their way to Universal Dominion; which doubtless would lead to the utter extinction of all Religion, Property and Social Order. We know that an Invasion of these happy and flourishing Islands (flourishing even amidst the desolation of Europe) is the Golden Expedition with which they amuse their wretched impoverished Country; and that if they can detach the few Allies who faithfully stand by us, they will, no matter at what hazard, attempt the desperate Experiment. At a period so alarming and awful, fortunately all prudent and well-affected men see the indispensable necessity of stepping forward and
 straining

straining every nerve to repel the common danger. Upon that vital subject, involving National Independence and Personal Security, no difference of opinion can subsist amongst us. The external urgent danger must bind and compress us internally; common interest will excite us to general action; and while the danger prevails, all projects of Ambition, all Religious and Political Controversies will surely be suspended, and give place to a cordial co-operation of all Parties against the common Enemy. The Juncture admits but of one distinction—the Friends of our Constitution, and it's Foes. I see the old Military Enthusiasm of Ireland—which in the late war presented an invincible front to the Combined Powers of Europe—I see your characteristic gallantry once more in motion. I see all the Energies of the Island—her whole Property and Power pressing forward to embody and array under the sanction of Government *pro aris et focis*—in defence of our Country, our Liberties, our Families, of every thing dear to the heart of man. In such a Season Neutrality would be Folly, or something worse.

worse. In such a season it was that the great Athenian Statesman pronounced Neutrality to be Treason :—at the best it would argue that infatuated Apathy, which in a time of danger is the forerunner of ruin.— Mean time it is necessary to watch narrowly our Domestic Enemies, the more dangerous because disguised. It cannot be doubted that * Treason rankles in our bosom; that men are to be found amongst us leagued with France, deep in her interest and Councils; who invite Invasion, who labour to introduce into the heart of their Country a destructive and implacable Foe. At a time when Conspiracies have been discovered against the very Being of the State; when Men, once of consideration and Popular influence amongst us, stand Fugitives and Outlawed Traitors; when so many atrocious Criminals have forfeited their Lives for Enormities 'till of late unknown amongst us

* “ The offence of inciting Foreigners to invade the
 “ Kingdom is a Treason of signal enormity. In the
 “ lowest estimation of things and in all possible events,
 “ it is an attempt on the part of the Offender to render
 “ his Country the seat of blood and desolation.” Fost.
 “ 196.

---for

---for affassination, conspiracies, treason ;--- at such a juncture no honest man will deny that a comprehensive Plot exists in the State, or damp the ardour of manly and spirited precautions. Among other too-successful means of mischief they have got possession of some of our public Prints ; turning the very Palladium of our Liberty, a Free Press, into an Instrument of our own destruction---that Press which should be guarded as our most precious Inheritance ; guarded alike against Licentiousness and Encroachment. In their Language too as well as in their Writings you perceive them acting as the zealous Emissaries of France ; extolling the power of our Enemies, yet lulling their Country into a fatal Security---rejoicing in their victories---extenuating their atrocities---deriding our conquests---misrepresenting the measures of a vigilant and virtuous Government---and scattering with unceasing industry the seeds of Discontent and Rebellion through the Land.---To Gentlemen of your education and character it would scarcely be respectful to vindicate, against the calumnies of bad men, a Constitution from which

which we all derive unparalleled protection. It is engraved upon your hearts in characters of indelible veneration, the object of your grateful and most rational affection. Were evidence required of it's Pre-eminence, seek it not beyond these walls---look for it in the high Trust committed to yourselves. Here, to be Suspected is not to be Guilty---well-earned Property, Moderation, Religion are not Crimes---Accusation is not Conviction -- nor is Conviction instant and inevitable Death. Here, no trembling Victim is dragged by the reeking hands of Assassins before a Bench of blood-stained Monsters, and consigned to immediate butchery, " cut off even in the blossoms of his Sin." Here, you behold the Reign only of the Laws ; the confidence of Innocence, and the reasonable hope even of Guilt truly penitent of it's Crimes. Here Innocence may scorn all the puny efforts of Malice and Wealth and Power, as long as the great Centinel of Civil Liberty, the Grand Jury, sleeps not on his post.---- Compare then the British Jurisprudence, as thus conducted amongst us, with that Tribu-

nal of Blood which will be erected here, if ever the malignant labours of our Parricides prevail; with the horrid outrages committed under the Semblance of Jurisprudence in that distracted Country:---Compare their *Fraternity*, which is but another name for confiscation, massacre and ruin, and which will be our lot if ever the peaceful shores of Ireland be disturbed, and a rapacious Enemy shall find his way into our Country; compare that frightful state of things with the present security of your manifold comforts and solid enjoyments, with the prosperity and rapid growth of your People: and say ---are you prepared for such a Transition? Are you prepared to be Severed from the British Empire, and to purchase by Requisitions, Contributions and Forced Loans an Incorporation with France? Are you prepared to resign this venerable Fabric, constructed by the combined virtue and wisdom of Ages; the Sanctuary of Freedom;---to exchange the British Constitution---this fostering Parent of every thing that can adorn or ennoble Human Nature---for a Revolutionary

nary

nary Government, where property, liberty,
Life are but the Sport of unrelenting
Caprice ?

The most fervent prayer of my heart is,
that the British Empire may prove an Ex-
ample, and France a Warning to the World !

THE NEW YORK PUBLIC LIBRARY

ASTEN LENOX TILDEN FOUNDATION

500 FIFTH AVENUE NEW YORK 10017

DATE

BY

FOR

RECEIVED

THE NEW YORK PUBLIC LIBRARY

ASTEN LENOX TILDEN FOUNDATION

500 FIFTH AVENUE NEW YORK 10017

DATE

BY

FOR

RECEIVED

THE NEW YORK PUBLIC LIBRARY

ASTEN LENOX TILDEN FOUNDATION

500 FIFTH AVENUE NEW YORK 10017

AN
ADDRESS

DELIVERED TO THE
GRAND JURY
OF THE
COUNTY OF DUBLIN,

On Tuesday the 10th of January, 1797.

By ROBERT DAY, Esq. M. P.
ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE
LAW, AND CHAIRMAN OF THE SAID COUNTY.

*First published in Dublin at the request of
the Magistrates and Grand Jury.*

TO WHICH ARE ADDED,
Introductory *OBSERVATIONS* recommended
to the attention of the PEOPLE of
GREAT BRITAIN.

NORTH ALLERTON,
PRINTED BY J. LANGDALE, AND
DUBLIN,

RE-PRINTED BY RICHARD EDWARD MERCIER and CO. BOOK-
SELLERS TO THE HON. SOCIETY OF KING'S-INNS, AND TO BE
SOLD AT THEIR SHOPS IN THE NEW COURTS, AND
No. 31, ANGLESEA-STREET.

1797.

3 2 A 1 4 1 5

1891

of very good subject in their respective ranks so
placed in the highest command to be the duty
of the many learned (some called to be dis-
cussing in mind the common people, and the
public good. They have devoted to their own
not less to others, especially in this land where
social distinction (which is the country) would
one of the two nations in a war between and a
strong part of the country of England, on the last
most striking example of the Government to the
highest, that the reputation of the Government and
of the Government of the only Government of the

P R E F A C E,

*Mount-Pleasant near North-Allerton,
Yorkshire, 10th of March, 1797.*

MANY Gentlemen of this neighbourhood are of opinion, that the re-publication of the eloquent and much-admired *Address* of the CHAIRMAN to the Grand Jury of the County of Dublin, on the failure of the late attempt to invade Ireland, and a liberal distribution thereof in this Country, would not fail to operate essentially at this juncture to public good. They have therefore at their own expence re-printed that excellent Speech, and directed many hundred Copies thereof to be distributed in this Riding; conceiving it to be the duty of every good Subject in these momentous times to contribute by all possible means to the safety of the
State,

State, which nothing is so likely to promote as diffusing just notions of Loyalty and Religion, such as are contained in that truly patriotic Address.—It is prefaced by some desultory *Observations*, which are intended for the consideration of Landholders and other opulent persons in this part of the Country, influenced too much by the apprehension and alarm of Invasion; observations which, with the most abundant allowance, serve but as a Cloud to obscure for a moment the Sun. But whatever amendment they might want, it was thought better to hasten the publication, than to delay from any secondary motive a work of such importance in the present temper and disposition of this Country.

S**. P***.

INTRODUCTORY

INTRODUCTORY OBSERVATIONS,

RECOMMENDED

TO THE

Attention of the

People of Great Britain.

THE Address, which is here re-published is distinguished by a happy union of *piety* with *patriotism*. Such an union, graced by the attractive charms of eloquence, can scarcely fail to excite admiration: and it would be a scandalous libel on the principles and sentiments of the people of Great Britain, to impute to them a disregard of those eminent virtues, which have been the subject of the highest eulogium, in the sister kingdom.

An emulous disposition, evinced in the practice of duties, which contribute to the safety of our country, and confirm our enjoyment of domestic happiness, must ever be conducive to the public weal;

weal; and the example of all ranks of people in Ireland, on the late occasion, will, it is hoped, stimulate this emulation; and rouse our utmost efforts, to fulfil our duties to God, our King and Country, and ourselves; as the only means of preserving the lives of our families, and our rights, liberties, and property, from violation, requisition, and total ruin.

The declared designs of the enemy to invade this country, render the pious exultation in the following Address, upon the late deliverance of Ireland, peculiarly interesting. But, as we cannot always expect the interposition of Providence, in a similar frustration of their attempts, every exertion will probably be requisite to repulse enemies impelled to the most daring attacks, by thirst of rapine and plunder. Let us then adopt the example of our fellow subjects in the neighbouring kingdom, and lay aside every consideration of domestic difference, and party politics, to oppose our common foes.

The Author of the animating Address to the Grand Jury of the County of Dublin, hath detailed facts, which to the disgrace of the country, too plainly shew that the threatened calamities had been invited by *Traitors*. That part of the Address, it is to be hoped, is applicable but to very few in Great Britain,

Britain. Yet, as it is possible, this publication may fall into the hands of some such misguided people; it is recommended to them to reflect upon the fate of the deluded Inhabitants of those Countries, which have become subject to the Enemy's domination, under the *deceitful* mask of *Fraternity*, or by the more just, but unfortunate, events of war. To draw a true representation of the *past* and *present* situation of those wretched inhabitants, it is only necessary to compare happiness with misery; riches with poverty; security with rapacity; and freedom with oppression and tyranny. These are the fruits of *fraternity*, and false philosophy, introduced under the specious appearance of the *Rights of Man*. —The practical result of which, experience hath plainly shewn, is the subversion of all order and just government; and the seizure of all property when ever occasion, or pretence, suggests. Against these miseries let us be prepared, by using the precautions which prudence and reason dictate, and by continuing *united* and *firm*, in the support of our excellent Constitution and Government.

There are various ways, in which almost every Individual, may be greatly useful in these times of impending danger; the ready offer of which would add to public confidence; and might, proportionably, discourage any attempt of the enemy; who
must

must inevitably fail, in every attack on these kingdoms, *if we remain true to ourselves.* Amongst some of the instances of loyalty, which may be noticed; the liberal offers of many farmers, and others in Scotland, to furnish horses and carts to government, are worthy of general imitation. To mention other instances, would probably be only anticipating the intentions of many. But there is one point; to which the public attention hath been directed, only within a few days past, and which, it is not unlikely, the Enemy had in view, when a descent on this country was resolved upon; that is, the depression of *public credit.* As the greatest, and most flourishing commercial nation in the world, every fluctuation affecting its mercantile transactions, becomes a serious event; and our mercantile negotiations, are so intimately connected with interior concerns, and thence with landed interests; that whatever affects one, by progressive steps extends to the other. The Landholder, however unaccountably, takes but little notice of, and is not in the least alarmed at even a general war, when *no invasion of his country is apprehended;* but the moment such an event is talked of, his fears get the better of his reason, and of his interests at the same time. And, as if desirous of becoming a richer booty to the invading foe, he collects in all his cash, and rather tempts *personal extortion,* plunder, murder, or other punishment, from

from an insatiate ravaging enemy, than trust to the security of the best credit in the country, for a future restoration of his wealth.

The Merchant, on the other hand, whose property is continually exposed to the risk of capture, and is in every way affected by war, instead of drawing in his specie, converts it into goods, or paper, and takes it with him, or negotiates it, or leaves it behind, with as much confidence, and, frequently with more profit, than in time of peace.

From the conduct of these two different descriptions of men, the Landholder and the Merchant; it will easily be seen, how much habits of life tend to conquer the unreasonable force of the passions, and how necessary it is for our *real interests*, to be free from the *debasing influence of panic fear*, and its self-destroying companion, *avarice*. These reflections arise from the very recent alarm imparted to public credit, and the consequent anxiety of farmers and others, who injudiciously demand *cash* instead of the usual medium of payment. In doing this, they clearly err; and, whilst they cunningly devise how to secure themselves, they are not, perhaps, aware, that they will be entrapped in their own toils, by adding to the distresses of the country, in
which

which they must, by such conduct, be woefully involved.

The events, and terrors, which must follow an actual invasion, are beyond even the power of imagination to conjecture; but many, and extraordinary as they may be, the exaggerated reports of such an attempt, will certainly magnify them; and by the alarm, in which weak and timid people will indulge, the minds of the inactive will suffer tenfold more anxiety, than those who shall gloriously strive to meet, and encounter their enemies, on our "Seagirt-shores."

In these, and in all our troubles, Christians and Britons, will, it is hoped, put their trust in THE ALMIGHTY CREATOR, and WISE GOVERNOR OF THE UNIVERSE, who hath hitherto been our defence against our enemies, and by repeated mercies hath favoured our happy Island; and enabled our ancestors to rear a constitution, which is become the envy of nations, and admiration of the world.

By adhering to, and maintaining these principles, we shall rest on "the Rock of ages;" and may bid defiance to the stormy billows of restless ambition; which agitate our insulting and impious foes, and perhaps too many amongst ourselves. With these sentiments,

sentiments, let us, in the words of an elegant poet,
join in the following invocation.

" O thou ! by whose almighty nod the Scale

" Of empire rises or alternate falls,

" Send forth the saving virtues round the land,

" In bright patrolle,

COUNTY OF DUBLIN.

10th January, 1797.

AT the Quarter Sessions of the Peace held for said County, at Kilmainham, it was unanimously Resolved by the Grand Jury to return their warmest Thanks to ROBERT DAY, Esq. Chairman, for his most excellent and well-timed Charge, this day by him delivered, happily calculated to inspire a just veneration for Religion and our free and invaluable Constitution, and to request he will consent to the Publication thereof.

*Signed by order,
for Self and Fellow-Jurors,
W. COWLEY, Foreman.*

[illegible]

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

A N

A D D R E S S, &c.

Gentlemen of the Grand Jury,

I SHALL not trouble you this day with many words. The present tranquil and orderly state of our County and Capital, and the scanty Calendar in my hand, call scarcely for any other expression from me than that of the most lively and cordial congratulation. The times, it is true, have been turbulent; the Laws had lost their energy and just authority; and humanity must for ever deplore the streams of blood which the insulted justice of

B

the

the country has exacted. But it is a consolation of much moment that so many unhappy Victims have not died in vain. Our misguided fellow-subjects, warned by numerous and severe examples, have discarded their evil Counsellors, and abandoned the criminal courses into which they had been deluded. They have opened their eyes at last to the blessings of that Constitution which protects them; and have returned to the paths of honest and sober industry, and a due submission to the laws of the land.

“ Gentlemen, I feel that it would be an insensible and disgusting waste of your time, to detain you at this joyful moment by a cold and phlegmatic dissertation upon your Duty, the threadbare theme on which I have so often solicited public attention. I feel that at this proud juncture such a discourse would

would be deemed, as it ought, a pedantic mockery of your best and finest feelings, engrossed, as no doubt they now are, by one of the most exhilarating and sublime Subjects that ever presented itself to the enraptured mind of man. Yes, Gentlemen! virtue has triumphed over crime, order over anarchy, liberty over slavery, Religion over Atheism.--- The right arm of our gracious GOD hath been stretched out to crush an impious Foe, and to save and protect his favourite Island. The long-patient vengeance, the slumbering wrath of a just and terrible Divinity hath at last been awakened, and hath vindicated his power and justice upon the heads of an hardened and Apostate Race, who have proscribed him from his Temples, and denied even the existence of the Living God.

“ In contemplating this signal Mercy, there are certain facts too prominent and

emphatical to escape the notice of the most superficial observer; facts which might impress conviction upon Infidelity itself, were Infidelity capable of conviction. The discomfiture and utter confusion of an Enemy steeped in blood, steeled "against every compunctious visiting of nature," have been the sole and exclusive work of the Almighty. Providence, it would seem, had reserved to himself the punishment of those declared enemies of all order, virtue and religion. *Afflavit Deus et dissipantur.* It was the Breath of the Almighty which dispersed them. He uttered his will; and straitway the Enemy, who had eluded the British fleet, and had already in imagination rioted in the golden spoils of this plundered and devoted land, were scattered. This proud Armament, the last effort of their expiring Navy, invited hither by Traitors, advanced with all the confidence of another Armada to a certain

certain and easy conquest, and has closed its career with the same disastrous and tragical catastrophe.---Nor can it be forgotten by any well-regulated mind, that this awful Visitation had been appointed for the great Festival of Christianity; as if to recall, by a tremendous warning at that sacred season, a lost and infatuated people to a due reverence for our holy Religion, which had been the object of their derision, and which they had by a formal Decree abolished and abjured.

“ But this is not all. If the pompous Enterprize, from which your Destruction was promised, has been miserably frustrated, your preservation has been accomplished by means not only the most effectual, but the most judicious and best selected. It is true, a fair opportunity has been lost of emblazoning another day in the crowded calendar of British Glory; but humanity and true policy, frugal of
the

the blood of Patriots and Heroes, shrink alike from the blood-stained triumphs which feed the unfeeling pride and passions of Nations and Conquerors ! Your deliverance has been effected by happier and more providential means ;---it has not cost you a single life or a single ship. ---That Storm, which burst upon the hostile Fleet, locked up ours secure in Port---and what at first was felt by us all as a Misfortune, proves ultimately but another instance of Divine favour.

“ For my own part, as a steady and confirmed Christian, I cannot but descry, in the strong-marked events of this auspicious hour, the Divine finger---the immediate interposition of an avenging, a protecting, a just Ruler of the Universe. I can discover in these providential occurrences a Superintending Dispenser of good and evil ; “ *scattering a People that delight in War ;*” scourging the
the

the *perfidy of a Government who project the destruction of your Country, even while they present to you the Olive-branch of Peace; mortifying their contumelious insolence, their pride, their gigantic arrogance; inspiring the five-headed Despot of France, by practical lessons of bitter adversity, with sentiments of becoming moderation; and holding forth to exhausted Humanity some reasonable prospect, some fair omens, of returning Repose,

“ But, Gentlemen, it would be unjust to pass over the effects of this much-vaunted Expedition amongst ourselves, happy beyond the most sanguine hope,

* The Negotiations for Peace continued till the Expedition was ready, and then were abruptly and contumeliously broken off. The Fleet sailed from Brest on Thursday evening the 15th December, and on the 19th Lord Malmesbury received the French Minister's Note commanding him to quit Paris in 48 hours.

When

When I had the honour to address the last Grand Jury of the County, I took the liberty to draw their attention to the critical state of public affairs, and to suggest the necessity of arming ourselves under the sanction of Government, in conformity to the Yeomanry Act of this Session. But well as I had reason to recollect the martial alacrity and genius of our Countrymen, my mind, I own, had not been prepared to expect or to conceive the possibility of what has since happened. High as I knew their pulse to beat at the call of danger, of honour and of their Country, I hardly could expect that all party animosities, religious and political, would instantly have subsided—that all professions, trades and occupations, would be abandoned for arms—that in the space of three short months, you would have become a Nation of Soldiers, and another Volunteer Army would have arisen more sudden,
more

more systematic, and better regulated even than the former. This mad and desperate Enterprize has developed the true character of Ireland to admiring Europe. It has displayed your gallantry, your patriotism, and your public spirit. ---These, however, are virtues which were never denied to the Irish Character. But it has proved also, what perhaps was not before so well understood, the sound and loyal principles of the Southern Peasantry; their correct conception and deep abhorrence of French *Fraternity*, and their ardent devotion to their good King and to the British Constitution and Government. It has produced the *Pastoral Letter of the pious Catholic Bishop of Cork, breathing a spirit of peace,

* I give that admirable Letter at full length because no panegyric can do justice to it. This excellent Divine did not hang back or temporize till the dan-

peace, loyalty and philanthropy, worthy of an Apostle.---It has in a word, vindicated the great Roman Catholic Mass against the misconceptions of men prejudiced, because uninformed, and (what was

ger was past. With a courage not less striking than his loyalty and benevolence, he delivered this impressive and spirited Exhortation upon the first appearance of an hostile Armament on our coast. Ardent in the cause of his God, his King and his Country, and regardless of every personal consideration, he did not balance between duty and danger. At the very crisis of our fate, when the force and peril (swelled by panic and credulity) could not be known or calculated, he lost not a moment in giving battle to an Atheistical Enemy, and exposing himself in case of any untoward event to their most rancorous vengeance.

The Cork Committee, composed of 31 Citizens of the first rank and character, without any regard to religious distinction, caused 3000 Copies of this salutary and seasonable admonition to be immediately printed and circulated through the City and County.

“ DOCTOR

was more difficult) against the disaffection and criminal tardiness of certain discontented Individuals of their own body.---The Elements *have* saved us ;--- a British Fleet *may* save us ;---but while we

“ DOCTOR FRANCIS MOYLAN

TO HIS BELOVED FLOCK,

The Roman Catholics of the Diocese of Cork,

“ At a moment of such general Alarm and Consternation, it is a Duty I owe to you, my Beloved Flock, to recall to your minds the sacred Principles of Loyalty, Allegiance and good Order, that must direct your conduct on such an awful Occasion. Charged as I am, by that Blessed Saviour, whose Birth with grateful hearts we on this Day solemnize, with the Care of your Souls, interested beyond expression in your Temporal and Eternal welfare, it is incumbent on me to exhort you to that peaceable demeanor, which must ever mark his true and faithful Disciples.

“ Loyalty to the Sovereign and respect for the constituted Authorities, have been always the promi-

we are thus united at home, thus animated by a just sense of the incalculable blessings

nent features in the Christian Character; and by Patriotism and Obedience to the Established form of Government, have our Ancestors been distinguished at times, and under circumstances, very different from these in which we have the happiness to live. For, blessed be God, we are no longer *Strangers* in our native Land, no longer excluded from the Benefits of the happy Constitution under which we live, no longer separated by odious distinctions from our Fellow-subjects. To our Gracious Sovereign we are bound by the concurring principles of *gratitude* and *duty*, and to all our fellow Citizens by mutual Interest and Christian Charity.

“ Under these circumstances it is obvious what line of conduct you are to adopt, if the Invaders, who are said to be on our Coasts, should make good their landing, and attempt to penetrate into our Country. To allure you to a co-operation with their views, they will not fail to make specious professions, that their only object is to *Emancipate* you from the pretended Tyranny under which you groan; and to restore you those Rights, of which they will say you are deprived.

“ You,

blessings we enjoy---the perfect security
 of our Liberty, our Property, and our
 Persons

“ You, my good People, whom I particularly Address, who are strangers to passing Occurrences, had you known in what manner they fulfilled similar promises in the unfortunate Countries into which, on the faith of them, they gained admittance, you would learn Caution from their Credulity, and distrust Men who have trampled on all Laws Human and Divine; Germany, Flanders, Italy, Holland, to say nothing of their own, once the happiest, now the most miserable Country in the World, can attest the irreparable ruin, desolation and destruction occasioned by French fraternity.

“ Be not deceived by the *lure* of *Equalizing* property, which they will hold out to you, as they did to the above-mentioned People; for the *Poor*, instead of getting any part of the spoil of the *Rich*, were robbed of their own little pittance.

“ Be not then imposed on by their professions---they come only to Rob, Plunder and Destroy. Listen not to their agitating Abettors in this Country, who endeavour by every means to corrupt your principles,

Persons--confident in our own resources, we may bid defiance to any future experiments

Principles, but join Heart and Hand with all the virtuous and honest Members of the Community, who are come forward with distinguished Patriotism, as well to resist the invading Foe, as to counteract the insidious Machinations of the Domestic Enemies and unnatural Children, who are seeking to bring to their Native Country the train of untold Evils that flow from Anarchy and Confusion.—Obey the Laws that protect you in your Persons and Properties—Reverence the Magistrate entrusted with their execution, and display your readiness to give every assistance in your Power.

“ Act thus, my beloved Brethren, from a principle of Conscience, and you will thereby ensure the favor of your God, and the approbation of all good Men; whereas a contrary conduct will draw down inevitable Ruin on you *here*, and eternal Misery *hereafter*.

“ I shall conclude with this simple Reflection; if the sway of our impious Invaders were here established, you would not, my beloved People, enjoy the
the

experiments which our implacable Enemy shall be rash enough to repeat.

“ One very serious and alarming fact is now confirmed beyond a doubt, that a traiterous Correspondence has been maintained by Miscreants in this Kingdom with the Government of France. It now appears that the Invasion, thus happily averted, has been promoted by domestic Traitors, scandalously misrepresenting the general spirit and temper of the Irish peasantry :—that Invasion, which was to lay waste your fields, to sack and pillage your cities and habitations,

the comfort of Celebrating this AUSPICIOUS DAY with Gladness and Thanksgiving, nor of uniting with ALL Christians on Earth, and with the celestial Spirits in Heaven, in singing GLORY TO GOD ON HIGH, AND ON EARTH PEACE TO MEN OF GOOD WILL !

F. MOYLAN,

R. C. B. C.”

Dec. 25, 1796.

bitations, and consign your honest acquisitions, the well-earned fruits of long and laborious thrift, your virtuous matrons and beloved children, to the spoil, the brutality and butchery of a famishing, licentious and inveterate soldiery, culled for their pre-eminence in crimes from the goals and gallies of France, and recently schooled in the ensanguined, desolated and smoaking ruins of La Vendée. Whether the French Rulers have reason to thank their Parricide Correspondents for belying the purity of our Country, for their confident assurance that Ireland was impatient for French **Liberty*—that is, to league with ruin and embrace death—let the present triumph and universal glow of patriotism and loyalty decide. But allow me to

express

* Licence they mean when they cry *Liberty*,
For who loves *that* must first be wise and good.

MILTON,

express an earnest and anxious hope, that the Magistracy and all good subjects may not be deluded by the present flattering Calm, but that they continue to watch, with jealous vigilance, all suspected Individuals and Associations. In the best constituted Communities there will always be found men of splenetic and malignant minds, or surfeited by too much happiness, or intoxicated by sudden prosperity, or having no property or character to lose, who eagerly pant for Change, are ready to overturn the venerable fabric of Government, and labour to spread their own contagion amongst a happy and contented people. The old and flimsy veil under which these Innovating Spirits cloak their pernicious purpose, is Parliamentary Reform. When the House is on fire, they refuse to join in extinguishing the flames, until a certain *Chamber*, which in their wise and profound con-

D

ceit

ceit is ill constructed, shall be altered according to their taste. But whatever they profess, there seems no violence in suspecting that the object of such Projectors is the destruction of the whole Building, and not the improvement of any part—those cold-blooded Reformers, whose Loyalty must be purchased, who in the hour of danger would *capitulate and parley with their Country, and must make their Bargain even when the Enemy is in your Harbours!—If there be men amongst us surrounded with all the means of human happiness; safe in their persons, secure in their property, in the full fruition of every species of rational and social liberty, who yet are discontented and complain—if there be men, who warmed by the animating beams of the

* See the Resolutions and Proceedings of the Inhabitants of Belfast the 2d Instant, (Counsellor Sampson in the Chair) as reported in the Northern Star of the 2d and 6th Inst.

the Sun, make no other use of his cheering light but to discover the spots upon his glorious Disk—I can only pity lamentation so unfounded, and occupation so unprofitable and unavailing. Be it our study to cherish with a jealous care, a Constitution, our protection and pride, the parent of every civil blessing, and which it would be our greatest misfortune to survive.

“ But in vain has all this profusion of bounty been bestowed upon us, unless we turn with grateful hearts to HIM from whom it flows; unless impressed with a deep and lasting sense thereof, we allow it to mingle with our lives, and colour all our conduct—but above all, unless we resolve to cling fast by that sacred Revelation of the Divine Will, which is the best consolation under misfortune in this world, and the strong anchor of our hope in the next. It is an imperious

perious duty upon men of your condition and influence to promote, by example and admonition, among the inferior classes of the people, the practice of industry and temperance, a willing obedience to the laws, and all the moral and religious virtues. The Prevention of crimes is far more lovely and acceptable in the sight of God than the Punishment. Virtue and Happiness go hand in hand even in this life; and depend upon this as a political axiom, that the greater the stock of individual virtue in any State, the happier will be the general condition of that State.

“ Gentlemen, the surest pledge which I know for public order, personal security, and universal happiness, is to be found in that divine compendium of Ethics—“ *Fear God and honour the King.*”

A
C H A R G E

DELIVERED TO THE

G R A N D J U R Y

OF THE

COUNTY OF DUBLIN.

C H A R G E

DELIVERED TO THE

GRAND JURY

OF THE

COUNTY OF DUBLIN

AT THE QUARTER SESSIONS OF THE PLACE

HELD AT KILMARHAM

C H A R G E

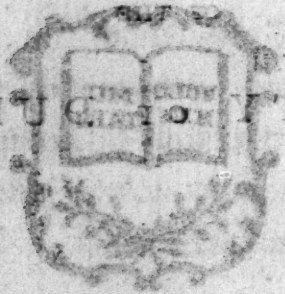
BY ROBERT DAVY, ESQ. M.P.

ONE OF THE JUSTICES OF THE PEACE FOR THE

SAID COUNTY AND CHAIRMAN OF THE SAID COUNTY

JUSTICES OF THE PEACE FOR THE SAID COUNTY

OF THE COUNTY OF DUBLIN



COUNTY OF DUBLIN

DUBLIN

PRINTED BY RICHARD NEW AND MERRILL AND CO.
STATIONERS TO THE HON. SOCIETY OF KING'S COLLEGE
AND TO BE SOLD AT THEIR SHOP IN THE NEW
COURT AND NO. 21, AUSTIN STREET

A
C H A R G E

DELIVERED TO THE

G R A N D J U R Y

OF THE

C O U N T Y OF D U B L I N,

AT THE QUARTER SESSIONS of the PEACE,
HELD AT KILMAINHAM,

On Tuesday the 25th of April, 1797,

BY ROBERT DAY, Esq. M. P.

ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE
LAW, AND CHAIRMAN OF THE SAID COUNTY.

Published at the request of the High
Sheriff, Magistrates and Grand Jury.



D U B L I N:

PRINTED BY RICHARD EDWARD MERCIER AND CO.
BOOKSELLERS TO THE HON. SOCIETY OF KING'S-INNS,
AND TO BE SOLD AT THEIR SHOPS IN THE NEW
COURTS, AND NO. 31, ANGLESEA-STREET.

(2)
COUNTY OF DUBLIN.

*At a GENERAL SESSION of the PEACE held at
KILMAINHAM, in and for the said County, on
the 25th of April, 1797,*

*To ROBERT DAY, Esq. CHAIRMAN, &c.
By the HIGH SHERIFF and JUSTICES of PEACE.*

S I R,

WE beg leave to express our warmest approbation of your Charge this day delivered to the Grand Jury. Accept our sincere acknowledgments; and suffer us to say, that an Address so replete with constitutional information, so well calculated to awaken the Infatuated to a sense of the blessings attending Social Order, and to draw our deluded Countrymen from impending destruction to loyalty, peace and prosperity, cannot be too generally promulgated.

mulgated. We, therefore, unanimously request, that you will suffer its publication. And, Sir, while we admire your virtues and exertions, we shall not fail to profit by your advice and exemplary conduct, in our zealous endeavours to preserve the public peace, and thereby to promote the police of our county, and the happiness of our fellow-subjects.

CHRISTOPHILUS CLINCH, Sheriff.

<i>Thomas Leighton,</i>	<i>William Jones,</i>
<i>John Trail,</i>	<i>Richard Manders,</i>
<i>William Worthington,</i>	<i>St George O'Kelly,</i>
<i>Nathaniel Hone,</i>	<i>Abel Onge,</i>
<i>John White,</i>	<i>Thomas White,</i>
<i>James Stubbs,</i>	<i>Wm. Bellingham Swan,</i>
<i>James Hamilton,</i>	<i>Edward Kennedy.</i>
<i>John Exshaw,</i>	

S I R,

SIR,

THE Grand Jury have directed me to return their sincere Thanks for your very eloquent, impressive and well-timed Charge; and, that the good effects thereof may be rendered as diffusive as possible, they request you will cause it to be published. I have the honor to be, with great respect and esteem, Sir,

Your most obedient Servant,

GEO. RIBTON, Foreman,

For Self and Fellows.

*To the HIGH SHERIFF, MAGISTRATES, and
GRAND JURY of the COUNTY of DUBLIN,*

GENTLEMEN,

I HAVE received the honor of your Addresses with a grateful and just sense of their importance and value. It is matter of solid satisfaction to me

to

to perceive, that my well-meant, though feeble efforts, for preserving the peace of our County, and in defence of our Laws and unparalleled Constitution, are crowned with the favor and sanction of so enlightened and respectable a body of my fellow-subjects. The only expression of gratitude which I can give, and you require, is a perseverance in that conscientious discharge of duty, which has conciliated your approbation and advanced me in your esteem.

ROBERT DAY.

CHARGE, &c.

Gentlemen of the Grand Jury!

YOU are called together to bear your part in dispensing Criminal Justice to your County. You are called together, to co-operate with the other component members of this Tribunal in administering the best system of Criminal Jurisprudence, which the wit of man has ever been able to devise: that mild and benign System, which from the earliest ages of antiquity hath distinguished and exalted the British Constitution and Empire above all others—

B

where

where the wisest precautions are adopted to protect innocence, and to disappoint malice, corruption, prejudice, and every other evil affection of the mind—where twenty four honest responsible Neighbours, above all exception, must be fully satisfied in their consciences that the Accused is Guilty, and must Unanimously, and upon their Oaths, pronounce him so—where the Small man is heard as patiently as the Great, the Poor man as favourably as the Rich—where no man is respected for his rank, or feared for his power. I trust that every Gentleman whom I have the honour to address is deeply impressed with the importance of the Office which he has just undertaken. The nature of that Office and the true character of a Juror may be summed up in a few words. To be a Juror, is to be the Guardian of Innocence, the Avenger of Guilt, a Friend to Justice, and the most perfect

Organ

Organ of * Truth. To be a Juror, is to be the best Benefactor of the People, the best Preserver of their public and personal Rights. It is, to defend the Constitution alike against anarchy and arbitrary power; against the silent and undermining encroachments of the Monarch on the one hand, and on the other against the boisterous and overbearing encroachments of the Many. In a word, next to the Legislative Trust there surely is no other which concerns more essentially the well-being of the State than that of Juries. It is therefore much to be wondered at, that so many Gentlemen of education and property in our County make so much difficulty in serving upon the Session and Commission Grand Juries. Can their time and trouble be better bestowed

* And therefore the decision of a Jury is emphatically called *Verdict*, or the *Language of Truth*.

than in administering justice to their Fellow-subjects? In truth this reluctance is a serious public misfortune, because every man, in proportion to his stake in the community and the cultivated state of his mind, is most likely to feel the weight of that Trust;—most likely on the one hand to resist with firmness the undue interference of Power; on the other hand to promote a reverence for the Laws, by a strict and scrupulous execution of them, without which the fruits of honest industry and every other blessing of Social Life must ever be precarious. Surely those men are but ill intitled to the proud privileges of a British Subject, who decline to take their share in the public duties which are but the price we pay for those privileges; and which, however burdensome, are the surest means of maintaining us in the undisturbed enjoyment of our most precious rights.

You

You will hear with concern that the crimes on the face of the Calendar are not few, and that their quality in general is of considerable enormity. This too is the more observable as our Magistrates are active, our Criminal Tribunals assiduous, and the war into which we have been forced by anarchy and atheism, has weeded our County as usual of many Malefactors and Idlers. But the times are distinguished by some striking and peculiar features. You have never before known Sedition (that fruitful parent of the most disastrous crimes!) to stalk so publicly and confidently thro' the Land, or so daringly and powerfully patronized. You have never before known Irishmen and Irish prints, disclaiming that old-fashioned virtue which once embraced every other, the Love of their Country, openly to exult in our domestic embarrassments, in the miscarriages of a magnanimous Ally,

Ally, and the successes of a merciless and exterminating Enemy. You know the pains which are taken to disparage the whole frame of our Legislature, and to render it disgusting and odious in the eyes of the people; that Legislature to whose wisdom and patriotism we owe the unexampled growth and rapid prosperity of Ireland. The Laws under which we have thus happily flourished are represented as unjust, unequal and arbitrary, and the administration of them corrupt, partial and sanguinary. Magistrates are calumniated and vilified, from the most exalted and venerable, down to those of the most ordinary functions. The iron reign of Bigotry, with its horrid train of intolerance, disunion and religious rancour is preached up and fervently inculcated; the enlightened and happy progress of National Union is arrested in its most efficient source, in the fond and susceptible season

of

of youth, in the social and endearing habits of * education and early fellowship; the

* “ Remonstrate with any parent who will be so
“ criminal as to expose his offspring to those places
“ of Education where his religious faith or Morals
“ are likely to be perverted. If he will not attend
“ to your remonstrances, refuse him the participa-
“ tion of Christ’s Body: if he still continue obsti-
“ nate, denounce him to the Church, that accord-
“ ing to Christ’s commandment *he be considered as a*
“ *Heathen and a Publican.*”

Such is the *liberal* language of One, who thro’ a whole page affects to inculcate liberality—of One, whom the Government recalled to his Country, and selected to preside over the education of the Roman Catholic Youth, now destined by this Anathema to be immured in exclusive Seminaries, and trained up in uncharitable and unchristian sentiments of their Protestant Brethren;—in return for *their* frank and unreserved communication of political rights and power.

Viscount Dillon, an ardent friend to Catholic Equalization, and who in common with every other friend to the measure must lament the indiscretion of

the most sacred of our Establishments is insulted and libelled; even the fidelity of our brave and loyal Soldiery is practised upon—that implicit submission to authority which is the main-spring of the Military Machine, the Soldier's first and paramount duty, without which an Army becomes a Rabble, formidable only to those who pay it—by a Minister of Peace; bending under the favour of that Government whose main pillars he thus, with a boldness beyond all parallel, attempts to shake. The most abominable doctrines touching Revealed Religion and Civil Government, levelling all distinc-

of that mischievous publication, observed in the Lords: “ that the Titular Bishop of Waterford
 “ Doctor Hufsey had published the most inflam-
 “ matory Libel he had ever read, abounding in fal-
 “ shoods and calumnies the most gross and mis-
 “ chievous—and this too from a Gentleman highly
 “ indebted to the Government, and placed at the
 “ head of a Seminary instituted under it's auspices.”

tion,

tion, order and property, and alienating the Lower Classes from their Rulers, are daily presented in the most seducing forms to the great body of the people; who are too ignorant to foresee the practical mischiefs resulting from such principles, and from their credulity and numbers are the most likely to prove the dupes as well as the instruments of them.

No wonder then if such malignant industry has produced an abundant crop of crimes; no wonder if it constantly recruit our prisons, and overload our gibbets. If the great props and buttresses of the State be thus assailed with impunity; if the venerable Institutions of our Country, habitually revered from long experience of their excellence, be traduced and trampled without restraint or disguise;

disguise; if the People be instructed to despise and deny the authority even of their Legislature; no wonder that the Laws are become a dead letter, and that the Civil Power hath lost all efficiency and controul. Hence proceed those atrocities in the North at which humanity sickens, and to whose active and sweeping progress our mild and merciful Code of Criminal Jurisprudence is in vain opposed. Hence proceeds that alarming ferment which convulses the most flourishing, and once the most industrious quarter of the Kingdom, and which so loudly called upon Parliament for strong and extraordinary measures, proportioned to the extreme emergency and danger of the times. Among others is the Insurrection Act, which continues in force to the end of the next Session of Parliament; and as it is possible that our Magistracy in the conflict with Treason

for

son may be driven to the painful necessity of resorting to that Statute, it may not be amiss to state thus publicly to you and to them the principal provisions of it.

By the Insurrection Act the Administering of an Oath importing to bind the person taking it to be of any seditious Association, or to obey the rules of any unlawful Committee or the commands of any unlawful Leader, or not to give evidence against any Confederate, is made a * Felony of Death; and the Taking any such Oath is subjected to Transportation for Life. And surely no good Subject who knows that the scope and tendency of these Oaths is nothing

* By the 27 G. 3. 15 called the Riot Act any person who shall administer or tender an Unlawful Oath may be Transported for life; and the person taking it, for 7 years.

less than the Subversion of the State, that they form the bond of that deep-laid Conspiracy now notoriously existing for a general Insurrection, will think that any punishment known to our law can be too rigorous for them. This provision is General, and extends to the whole Kingdom. Then come certain Local Clauses applicable only to Proclaimed Districts. A power is given to the Lord-Lieutenant and Council, upon the representation of seven Magistrates in Special Session assembled, to declare by proclamation any County or District to be in a state of disturbance; and thereupon a summary jurisdiction over all *Idle and disorderly persons* in that District vests in the Magistracy—analogous to, but very short of, the permanent powers given over such offenders to a *single* Magistrate in England. From the earliest dawn of a Police in the Sister Kingdom

Kingdom we discover the * Parliament exercising a summary controul over every species of Vagrant and Disorderly person. Idleness had ever been considered by that wise and provident people, an high offence against public œconomy and good government, involving in truth the elements and seminal principle of all crimes; and conceiving every restraint imposed upon these enemies of the public weal to be an enlargement, not a contraction, of Civil Liberty, they invested the Justices with a summary jurisdiction over them. Accordingly in England a *single* Magistrate is authorized to commit to hard labour, to inflict corpo-

* See the 22 H. 8. 12 Eng. Stat: recited *in hac verba*, and enacted here, by 33 H. 8. 15 Ir. Stat. That English Act and several subsequent statutes are repealed by the 17 G. 2. 5, and their principal provisions are incorporated with much new matter in that Statute, which is now the operating Law in England upon all *Idle and Disorderly persons*.

ral punishment, or to send into his Majesty's service, all Idle and Disorderly persons, Rogues and Vagabonds according to the degree of their delinquency. But the Insurrection Act commits no power of imprisonment or of corporal discipline to our Magistrates; no less than *two* have any jurisdiction, from whom an Appeal lies to the Quarter-Sessions; and in case of conviction the Magistrates can only transmit the offender to the next Regulating Captain for the Navy. And the Act describes distinctly who shall be deemed *Idle and Disorderly Persons*—all who take unlawful and seditious oaths, and who are already transportable for life; all who have no visible means of subsistence, and who also are already transportable; all who in the disturbed districts assemble tumultuously in the day, or are found assembled in public houses at unseasonable hours in the night; all who hawk or disperse seditious

ous

ous papers ; and such like. Such alone, who in fact are offenders of a much higher order, are the *Idle and Disorderly persons*, upon whom this Act attaches, and who upon conviction are liable to be impressed. Thus by a happy process good is extracted from evil, nutriment from poison ; the crimes of Individuals are converted to the benefit of the State, and those Malefactors who conspire the subversion of Government are compell'd to serve in it's defence.

In appreciating then this measure you perceive that the English authority and Statute-book not only fully warrant, but go considerably beyond it.—If the Crown in war-time can force the gallant and generous Sailor from his fireside and family, without the formality of trial or pretence of delinquency, into the service of his Country ; if state necessity and public policy can warrant the exercise of
an

an authority so harsh and summary over the best class of our fellow-subjects; what claim to milder treatment have men, convicted before two Magistrates with an Appeal to the Quarter Sessions, of a conduct bordering upon Treason? Surely if ever a just occasion arose for suspending the Trial by Jury, it is in the case of Miscreants who systematically assassinate Witnesses, Jurors, and Magistrates, for their zeal in the public service, and thus would render that immortal and sacred Depositary of our Liberties incompetent to the administration of justice. It is the public boast of these Conspirators that they can murder faster than Juries can hang. Candour surely will feel and own, that the malignity and fatal success of democratic phrenzy at this day in the disturbed Counties cannot effectually be encounter'd by the slow and ordinary process of the Law. The laws of Civil Society are framed to restrain

train such offences only as the ordinary state of Civil Society is exposed to; and not in the vain and silly hope of stemming anarchy, and insurrection, and all the enormities incidental to a state of Smother'd Rebellion. In England, where the principles of true and rational Freedom are well understood and felt, the great end and objects of Civil Society, which are the * Security of persons and property, are never left unprovided for and exposed; and accordingly the pre-

* A celebrated Writer, whose bias certainly is not to arbitrary power, observes, " that very strict
 " notions of Liberty may be unfavourable to a great
 " degree of personal Security. It is no doubt a capital
 " advantage that our lives, liberties and prop-
 " erties are not at the mercy of *Men*, and that they
 " can not be deprived of them but by *express Law*
 " rigorously construed. Hence the proof of a Crime
 " is so difficult that many Criminals Escape for one
 " who Suffers. Thus the chance of impunity is so
 " great, that there is too much encouragement for
 " Crimes." Priestley's Lect. on Hist. L. 47.

sent awful times have given birth in that kingdom to stronger measures than the Insurrection Act—to the suspension of the Habeas Corpus Act, which we have since adopted, the multiplication of Treasons, a considerable enlargement of the summary jurisdiction of Magistrates, and a very strict regulation of the right of petitioning.—Thus then this temporary Statute, however it may depart from the line of the Constitution, stands well excused not only by the pressure of the times, but by the permanent Law and general policy of the freest nation in the world.

Gentlemen, the present awful crisis calls for the best exertions and energies of us all in our several stations. The *High Sheriff* as principal Conservator of the Peace in his Bailiwick, is bound to watch every spark as it rises, and to extinguish it before it kindle into a flame. The Constitution has committed to him
the

the custody of the County for his year, and with it ample means for suppressing tumult and preserving the public peace. He is authorized upon any emergency to call out the Power of his County, that is, every male from 16 to 60, and they are bound on summons to attend him well armed, at the peril of being fined and imprisoned. Thus clothed with adequate power, the law very properly holds the Sheriff responsible for the public tranquility; and cases are not wanting of chief officers being brought to a severe account for neglecting that important duty.———So also the *Magistrates* are armed with ample powers for the like purpose, and the County expects at this juncture the vigilant and active exercise of those powers. In particular let it be their special care, as it is their bounden duty, to disperse all Unlawful Assemblies, whether under colour of Funerals or any other pretence, calculated

calculated by a display of numbers to inspire the disaffected with confidence, and the well-disposed with just alarm and dismay. Let it also be their care to take up every suspicious Stranger, skulking through their jurisdiction, to examine him strictly and upon oath as to the object and motive of his visit; and if he can not give full satisfaction, to commit him till he find security for his good behaviour. If the contagion has in any degree reached our County, an early and manly exertion of the Civil Power will give us the best chance of stifling that malignant spirit, which, if neglected, nothing can extinguish but the blood of our Fellow-Subjects. Let the Magistracy remember the munificent provision which the Legislature, recording the obligations and sensibility of a grateful Nation, hath bestowed upon the families of those virtuous Justices of the Peace, who have perished in asserting

asserting the Laws of their Country; those intrepid Martyrs to Civil Liberty, who have been butchered by the bloody hands of remorseless Traitors.—With respect to the *Criminal Tribunals* of this County, I trust that they will not be found to slumber on their posts at a moment big with the fate of Ireland. For myself, Gentlemen, I feel it to be my first duty, one to which I have devoted myself, to co-operate by all the means in my power to the tranquility and good order of our County. Placed in the Chair of the Capital County of the Kingdom, I shall never cease while I have the honour to occupy this vantage ground, to sound the alarm, and proclaim the approach of danger to the Country. Animated by that sense of duty to your interests and solicitude for your peace, I give this public notice of my determination to hold this Court (which is in effect the Court of Assize for

for the County of Dublin) by short adjournments, from fortnight to fortnight, throughout the present Quarter-Session; because in my mind no measure can be more effectual to controul crimes and criminal excesses than speedy Justice. The Innocent cannot be too speedily delivered, nor the Guilty too speedily punished.—With respect to you Gentlemen, I have no doubt that as *Grand-Jurors* you will do your duty as becomes good subjects and honest men; faithful to your King, your country and yourselves. It has been said by a splendid and enlightened * Statesman, alluding to the State Trials of 1794 in another kingdom, “ That public prosecutions
 “ were become little better than schools
 “ for treason; of no use but to instruct
 “ Criminals in the dexterity of evasion;
 “ or to shew with what complete im-

* Mr. Burke.

“ punity

"punity men may conspire against the
 "Commonwealth." Surely Gentlemen
 if ever the stain shall sink so deep as to
 reach and tinge our Juries, the triumph
 of Treason will be then complete; this
 indeed would be the consummation of
 all moral as well as civil depravity and
 desperation. If the laws, which are
 made for our security, become inopera-
 tive, through the corruption of those
 who are intrusted with their execution,
 all our rights and liberties, all the safe-
 guards of persons and property must give
 way to the disorganizing system of the
 day; and our boasted institution, the
 Trial by Jury, instead of being as it is
 our first Blessing, would become a Curse.
 In the soundest Political as well as in
 Natural Bodies there will be found oc-
 casionally some sour and noxious hu-
 mours, which fester and rankle, and in
 spite of the wisest regimen will some-
 times break out into serious heats and
 disorders.

disorders. But the evil, even when most alarming, can never be deemed incurable, the Commonwealth must never be despaired of, as long as Juries, impressed with a religious reverence for their Oaths and a deep sense of the transcendent Trust reposed in them, pursue untainted the even tenour of their duty; as long as Juries, uncorrupted by wealth or power, unseduced by faction, undismayed by sedition, menace or danger, acquit themselves in the face of God and of their Country, with courage, integrity and an inviolable regard to Truth.

But it is not in your official capacity that I am now most anxious to address you. As gentlemen of consideration and property in your County, embarked with your families and all your dearest concerns in the same vessel with your Country, let me conjure you to look beyond the walls of your Grandjury room,

room, and to survey the awful dangers which surround us. Never surely before this magazine of moral plague was opened upon the world, never till this ruinous and accursed trade of Politics had superseded every other trade, did any Country advance with such swift career in the race of cultivation and prosperity as Ireland. Looking into the Grandjury Box I cannot forget that the Constitution happily had been communicated to every Sect and Persuasion in our Country, that Religious distinctions no longer divided our People; and that as experience shall justify the liberality of Parliament, a perfect Political Equality will bless without distinction the whole Community. Commerce, agriculture and manufactures had "burst their cearments," and revived amongst us; the face of the whole Island, but of that part most of all which now heaves with discontent, smiled with plenty, en-

E

creasing

creasing population and every useful and elegant improvement; even that war, which impoverished and exhausted Europe,* waisted treasure to our shores, and promoted enterprize amongst our Countrymen; and we felt through all the classes of our people the rapid progress of comfort, independence and civilization. Such hath been the growth of this Country within the memory of the youngest of you; let the Incendiary misrepresent and inflame as he may, such could be the offspring only of wise Laws and of an enlightened Legislature. —“ Now look upon this picture, and “ on *this*.” Turn your eyes to the desolation which now reigns through Ulster, which approaches our own frontier with hasty strides, and may wrap our County in calamities unutterable, if not speedily encountered by the most spirit-

* *Ducit opes animumque bello.*

ed precautions. Mark the accumulated evils; the pillage, burglaries, burnings and assassinations, which disfigure the whole face of that fair and once happy province, tarnishing the national character hitherto so famed for every humane, generous and manly sentiment. Whence this frightful change, this sudden and incredible revolution in the temper of that distracted Province? Is all this laid in the character and natural propensities of Ireland? Ask the simple and unadulterated Peasant of the South and West that question—ask their instantaneous, generous emotion upon the late Invasion; that instinctive impulse which is the Voice of Nature and which never errs—and you will be told with the indignant warmth of injured honour, that Treason is not the characteristic of an Irishman—that Treason is not a plant congenial to the mild and happy temperature of Ireland, but a rank and baneful Exotic transplanted

transplanted from the burning region of Anarchy and Regicide. Yes Gentlemen, these are the ravages of no mean Incendiaries leagued with France ; these are the bitter fruits of those pestilential doctrines, which are propagated amongst us with an assiduity and zeal beyond all example, in daily Publications of every size ; in pamphlets, news-papers and hand-bills. . The fever is kept up to delirium, and the infection diffused, by Committees and Corresponding Associations, acting by these cheap inflammatory publications, and by secret Missiionaries and open Professors and Preachers of their infernal Gospel ; affiliated after the fashion of the Jacobin Clubs, now too flagitious and anarchical even for the meridian of France.

Let not these criminal labours depreciate in our minds the solid blessings we possess. Let not the fatal love of Innovation,

vation, let not the base suggestions of Political Fanatics or of bankrupt Revolution-hunters persuade us to hazard substantial comfort in pursuit of visionary perfection above the lot of Man. Let us on the contrary unite in defence of those precious possessions. The awful state of Society at this day and the serious dangers to which it is exposed, do surely impose new and imperious duties upon all the enlightened friends of order and human happiness. Let us apply ourselves individually and collectively, in our families, in our neighbourhoods, in our occasional intercourses with every class in the community, to expose and extirpate those pernicious principles in which the Evil has originated, and which in few Countries have diffused their poison more widely than in this. Let the Virtuous and the Wise, the friends of order and rational freedom, of settled property and a government

ment by Law, form a compact and determined Counter-union to put down their foes, who have blasted the rising hopes and happy promise of their Country. Let us rally round that Constitution whose excellence we trace from the practical blessings it bestows; resolving to deliver it and our dishonoured Country from the sacrilegious hands of Parricides, or perish in the ruins.

Ex. J. M.

3/29/06

